

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 12TH DAY OF AUGUST 2015/21ST SRAVANA, 1937

WP(C).No. 2743 of 2014 (P)

PETITIONER:

**A.R.BALACHANDRAN NAIR
AMBIKA VILASOM, VATTUKULAM P.O., KOTTAYAM-686 587.**

**BY ADVS.SMT.A.K.PREETHA
SRI.C.ANIL KUMAR**

RESPONDENTS:

- 1. ADDITIONAL DISTRICT MAGISTRATE
CIVIL STATION, KOTTAYAM-686 002.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD
ELECTRICAL SUB DIVISION, KURUVILANGAD
KOTTAYAM DISTRICT-686 633.**
- 3. THANKACHAN,
PARAPPURATH HOUSE, VATTUKULAM P.O., KADAPPUR
KOTTAYAM-686 587.**
- 4. MALLIKA,
PARAPPURATH HOUSE, VATTUKULAM P.O., KADAPPUR
KOTTAYAM-686 587.**
- 5. MOLLY JOSEPH,
KATTUPARAYIL HOUSE, VATTUKULAM P.O., KADAPPUR
KOTTAYAM-686 587.**

**R1 BY GOVERNMENT PLEADER SMT. DEEPA G.N.
R2 BY ADV. SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
R3 & R4 BY ADVS. SRI.C.ARUN PRASANTH
SRI.A.S.BRIJESH
SMT.ROOPA RAMACHANDRAN
R5 BY ADVS. SRI.G.SREEKUMAR (CHELUR)
SRI.NANDAGOPAL S.KURUP**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: COPY OF THE STATEMENT DATED 15.10.2013 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- P2: COPY OF THE LETTER DATED 13.11.2013 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- P3: COPY OF THE LETTER DATED 16.12.2013 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- P4: COPY OF THE STATEMENT DATED 31.12.2013 SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.**
- P5: COPY OF THE ORDER NO.K.DIS.H6-46585/2013 DATED 16.1.2014 ISSUED BY THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS:-

- ANNEXURE R2(a) COPY OF THE SKETCH SUBMITTED BEFORE THE ADDITIONAL DISTRICT MAGISTRATE**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 2743 OF 2014

Dated this the 12th day of August, 2015

JUDGMENT

There already exists an electric post at point B shown in Annexure R2(a) sketch produced by the second respondent. It would suffice if a 15 metres weather proof line is drawn from the point B to point D which is the house of the beneficiaries. Only 10 metres of the weather proof line will cross the property of the fifth respondent and the remaining 5 metres will cross the property of the beneficiaries. The beneficiaries of the electricity connection are impleaded as respondents 3 and 4.

2. The route ACD is circuitous and totals to 50 metres. An additional post needs to be erected at point C between points A and D. The length of the overhead line from point A to point C is 40 metres and the length of weather proof line from point C to point D is 10 metres.

3. There already exists two supply lines across the property of the petitioner. XAY is one line and AB is

another line. It will be inequitable to burden his property with an additional line. AC would be the third line to cross the property of the petitioner.

4. The route ABD is preferable to ACD for the following two reasons:-

- i) The route BD is shorter than the route AD.
- ii) No additional post need be erected if the route BD is adopted.

5. The drawing of weatherproof line does not involve cutting of trees. The submission of the second respondent in this regard is hereby recorded. The first respondent has chosen ACD route primarily for the reason that the petitioner did not appear. But the petitioner has made his stand clear by Exts. P1 to P4 statements filed. The first respondent was not justified in overlooking those statements in passing Ext. P5 order.

6. Ext. P5 order is quashed and the second respondent is permitted to draw the line along the route BD. The drawing of line will not however affect the other disputes between the parties. It is reported that there are

boundary disputes between respondents 3 and 4 on one hand and the fifth respondent on the other hand. The drawing of a weatherproof line will not affect the title or possession of the parties. Ext. P5 order is quashed and the second respondent is permitted to go ahead with the exercise.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS