

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 5190 of 2013 (W)

PETITIONER:

**T.C.JOSEPH, AGED 77 YEARS
S/O.T.J.CHALI, THOMPUMANNIL HOUSE, RANNY P.O.
PATHANAMTHITTA DISTRICT-689672.**

**BY ADVS.SRI.C.RAJENDRAN
SMT.R.S.SREEVIDYA**

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY THE SECRETARY
DEPARTMENT OF PUBLIC WORKS
THIRUVANANTHAPURAM-695001.**
- 2. THE CHIEF ENGINEER
PWD ROAD AND BRIDGES, THIRUVANANTHAPURAM-695001.**
- 3. THE CHIEF ENGINEER, K.S.T.P.
PUBLIC WORK DEPARTMENT
KERALA STATE TRANSPORT PROJECT
THIRUVANANTHAPURAM-695001.**
- 4. THE EXECUTIVE ENGINEER
PUBLIC WORK DEPARTMENTS, ROADS AND BRIDGES
PATHANAMTHITTA-689645.**
- 5. THE DISTRICT COLLECTOR
PATHANAMTHITTA DISTRICT, PATHANAMTHITTA-689645.**
- 6. THE SPECIAL TAHSILDAR (LA-NH)
RANNY P.O., PATHANAMTHITTA DISTRICT-689672.**
- 7. RANNI GRAMA PANCHAYATH
OFFICE OF THE RANNI GRAMA PANCHAYATH, RANNI P.O.
PATHANAMTHITTA DISTRICT-689672.
REPRESENTED BY ITS SECRETARY**

DCS

WP(C).No. 5190 of 2013 (W)

8. JOHN T.ABRAHAM

**S/O.ABRAHAM, THOPPIL HOUSE
NEAR VAIKAM GOVT. SCHOOL P.O., RANNY
PATHANAMTHITTA DISTRICT-689672.**

R1 BY GOVERNMENT PLEADER SRI. T.R. RAJESH

**R8 BY ADVS. SRI.S.SHANAVAS KHAN
SMT.S.INDU**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04-02-2015, ALONG WITH W.P.(C). NO. 14495/2014, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE ROUGH SKETCH OF THE LOCATION OF ENCROACHMENT BY R8.

EXHIBIT P2: TRUE COPY OF THE RELEVANT PORTION OF THE SKETCH.

EXHIBIT P3: THE PLAN REGARDING THE FIELD NO.257, BLOCK NO.6 TO SHOW THE SAID LIE OF THE ROAD.

EXHIBIT P4: TRUE COPY OF THE ROUGH SKETCH OF THE LOCATION OF ENCROACHMENT BY R8.

EXHIBIT P5: TRUE COPY OF THE PETITION DT.2-1-2013.

EXHIBIT P6: TRUE COPY OF THE PETITION DT.5-1-2013.

EXHIBIT P7: TRUE COPY OF THE REPLY DT.25-1-2013.

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

**W.P.(C).Nos. 5190 of 2013 &
14495 of 2014**

Dated this the 04th day of February, 2015

JUDGMENT

It is the admitted case of all parties that the electricity supply line is proposed to be drawn along the side of the Punalur - Muvattupuzha public road. The complaint of the petitioner in these writ petitions is that one Mr. John T. Abraham (impleaded as a respondent in these writ petitions) residing on the northern side has encroached into the road in question. The apprehension of the petitioner is that the erection of the electric post beyond the encroached portion would impede the vehicular and pedestrian traffic necessitating the acquisition of his property on the southern side of the road.

2. The question whether the respondent above mentioned has encroached into any portion of the road necessitating the demolition of his compound wall has to be considered first. I direct the District Collector, Pathanamthitta, the Special Tahsildar (LA-NH), Ranni as well as the Ranni Grama Panchayat to address this question. The petitioner, the Ranni Grama Panchayat as well as Mr. John T Abraham shall be put on notice and remedial steps taken to remove

encroachment if any to restore the width of the road. This shall be done within a period of three weeks from the date of receipt of a copy of this judgment.

3. The electricity supply line shall thereafter be drawn erecting the post on the side of the road in such a manner that there is a smooth flow of traffic. No permission of the Additional District Magistrate is required to be obtained since the electricity supply line is proposed to be drawn along a public road only.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS