

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 3373 of 2014 (V)

PETITIONER:

**UDALAKKAVU DEVASWOM,
ADAT VILLAGE, THRISSUR TALUK
REPRESENTED BY ITS SECRETARY,
RAJAN, AGED 48 YEARS
S/O.VELAYUDHAN.**

BY ADV. SMT.M.K.PUSHPALATHA

RESPONDENTS:

- 1. THE ASSISTANT EXECUTIVE ENGINEER, KSEB
ELECTRICAL SUB DIVISION
KERALA STATE ELECTRICITY BOARD, MUTHUVARA
PUZHAKKAL P.O, THRISSUR 680 553.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE
COLLECTORATE, AYYANTHOLE, THRISSUR 680 003.**
- 3. DEVASSY
S/O.ANTHONY, MALIYEKKAL HOUSE, UDALAKKAVU
ADAT P.O, THRISSUR 680 554.**
- 4. JOSHY
S/O.OUSEPH, CHITTELAPPILLY HOUSE, UDALAKKAVU
ADAT P.O, THRISSUR 680 554.**
- 5. MANI
S/O.OUSEPH, KAKKASSERY HOUSE, UDALAKKAVU
ADAT P.O, THRISSUR 680 554.**
- 6. JOSE
S/O.PAILY, AKKARAPARAMBAN HOUSE, UDALAKKAVU
ADAT P.O, THRISSUR 680 554.**
- 7. SMT. BABY
D/O.THOMAKUTTY, AKKARAPARAMBAN HOUSE
ADAT, THRISSUR DISTRICT. 680 554.**

**R1 BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
R2 BY GOVERNMENT PLEADER SRI. GIKKU JACOB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 3373 of 2014 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE REPORT SUBMITTED BY THE ASSISTANT EXECUTIVE ENGINEER TO THE 2ND RESPONDENT DATED 11.10.13.**
- EXHIBIT P2. COPY OF THE SKETCH AND DRAW SHOWING THE LIE AND LOCATION OF THE ADJACENT PROPERTIES.**
- EXHIBIT P3. COPY OF THE ESTIMATE SHOWING THE AMOUNT REQUIRED FOR BOTH PROPOSALS SUBMITTED BY THE ASSISTANT ENGINEER.**
- EXHIBIT P4. COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 06.01.14.**
- EXHIBIT P5. COPY OF THE ORDER DATED 24.01.14 ISSUED BY THE 2ND RESPONDENT, ADDITIONAL DISTRICT MAGISTRATE.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 3373 OF 2014

Dated this the 3rd day of June, 2015

JUDGMENT

Ext.P5 order passed in terms of Section 16 of the Indian Telegraph Act, 1885 is impugned. The second respondent has accepted route No. 2 suggested by the Electricity Board. This is because the electricity supply line will be drawn along a pathway as per route No. 2. One stay wire will be fixed on the pathway itself and the other in the property close to the boundary wall of the petitioner.

2. Route No.1 suggested by the petitioner necessitates the drawing of electricity supply line along a private property. The drawing of electricity supply line along a pathway has to be preferred to a private property. The second respondent has considered the relevant inputs and found that route No. 2 is economically viable and technically feasible. I do not find any illegality in the decision making process of the second respondent in this regard.

The challenge to Ext. P5 order fails. The writ petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS