

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 5828 of 2013 (C)

PETITIONER(S):

SAROJINI AMMA
KALAPURACKAL, DOOR No.C.C.13/961, KARUVELIPADY
KOCHI.

BY ADVS.SRI.SUNIL JACOB JOSE
SMT.JISHAMOL CLEETUS

RESPONDENT(S):

1. VILLAGE OFFICER
THOPPUMPADY, KOCHI-682 005.
2. EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, MATANCHERRY, THOPPUMPADY
COCHIN-682 005.
3. ASSISTANT ENGINEER,
ELECTRICAL MAJOR SECTION, KSEB, THOPPUMPADY
COCHIN-682 005.
4. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE, ERNAKULAM, KOCHI-682 018.

R BY SR.GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN
R BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WP(C) No.5828 of 2013

PETITIONER(S) EXHIBITS

EXHIBIT P1: A TRUE COPY OF THE NOTICE DB.APTS/2000-2001/5/4/2000 ISSUED TO THE PETITIONER BY THE 2ND RESPONDENT.

EXHIBIT P2: A TRUE COPY OF THE LETTER DS.38/THEFT/2000-2001/104/7.4.2000 WITH DEMAND NOTICE ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P3: PHOTOCOPY OF THE JUDGMENT DATED 29.5.06 IN O.P.NO.11874/2000 OF THIS HON'BLE COURT.

EXHIBIT P4: TRUE COPY OF THE JUDGMENT DATED 30.9.08 IN C.C.NO.515/03.

EXHIBIT P5: A PHOTOCOPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P6: PHOTOCOPY OF THE JUDGMENT DATED 26.3.07 IN WPC NO.9314/07 OF THIS HON'BLE COURT.

EXHIBIT P7: PHOTOCOPY OF THE JUDGMENT DATED 15.6.12 IN WPC NO.1009/12.

EXHIBIT P8: TRUE COPY OF THE APPEAL WITHOUT ANNEXURES.

EXHIBIT P9: PHOTOCOPY OF THE ORDER DATED 19.11.2012.

EXHIBIT P10: PHOTOCOPY OF THE LETTER DATED 29.12.12 OF THE 3RD RESPONDENT.

EXHIBIT P11: PHOTOCOPY OF THE LETTER DATED 30/3/15 OF THE PETITIONER BEFORE THE THIRD RESPONDENT.

EXHIBIT P12: A PHOTOCOPY OF THE LETTER DATED 31/3/15 OF THE SECOND RESPONDENT ADDRESSED TO THE FOURTH RESPONDENT.

RESPONDENTS' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.5828 of 2013

Dated this the 23rd day of June, 2015

J U D G M E N T

There is no independent consideration in Ext.P9 appellate order on the issue of theft. How far Ext.P4 judgment of acquittal can be called in aid by the petitioner is the moot question.

2. The fourth respondent obviously lacked jurisdiction to hear Ext.P8 appeal in view of the decision of this Court in Muhammed Haji v. State of Kerala [2014 (3) KLT 706]. Ext.P9 order is quashed and the fourth respondent is directed to transmit Ext.P8 appeal to the newly constituted appellate authority.

3. The appellate authority shall endeavour to dispose of the appeal afresh within a period of three months. The status quo as on today shall continue since the petitioner has remitted a sizeable portion of the amount demanded.

The Writ Petition is disposed of. No costs.

Sd/-
V.CHITAMBARESH,
Judge.

nj.