

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 3921 of 2015 (M)

PETITIONER:

A. NAZARULLAH, RESIDING AT BIJU COTTAGE,
CHERAVALLY, KAYAMKULAM.

BY ADVS. SRI. R. RAJASEKHARAN PILLAI
SMT. SABINA JAYAN

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, ALAPPUZHA - 688 101.
2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB,
KAYAMKULAM - 690 502.
3. MAJEEDKUTTY, RESIDING AT CHEKKINETHU
VADAKKATHIL, CHERAVALLY, KAYAMKULAM - 690 502.

R2 BY ADV. SRI. SAJEEVKUMAR K. GOPAL, SC, KSEB
R3 BY ADV. SRI. R. T. PRADEEP
BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 : TRUE COPY OF THE NOTICE DTD.17.12.2014 OF THE 2ND RESPONDENT.
- EXT.P2 : TRUE COPY OF THE OBJECTION SUBMITTED BY THE PETITIONER TO THE 1ST RESPONDENT.
- EXT.P3 : TRUE COPY OF THE NOTICE DTD.16.1.2015 FROM THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P4 : TRUE COPY OF THE PROCEEDINGS NO.K.DIS.61179/14N2 DATED 31.01.2015 OF THE 1ST RESPONDENT.

RESPONDENT(S)' EXHIBITS

- ANNEXURE R2(a) TRUE COPY OF THE ROUGH SKETCH SHOWING BOTH THE ROUTES.
- EXHIBIT R3(a) : TRUE COPY OF TAX RECEIPT DATED 19.07.2014.
- EXHIBIT R3(b) : TRUE COPY OF AGREEMENT DATED 22.05.2012 AS BETWEEN 3RD RESPONDENT AND HIS WIFE WITH SISTER-IN-LAW.
- EXHIBIT R3(c) : TRUE COPY OF PERMIT DATED 22.11.2014 WITH APPROVED PLA.
- EXHIBIT R3(d) : TRUE COPY OF AGREEMENT DATED 20.03.2015 FOR LABOUR CONTRACT.
- EXHIBIT R3(e) : TRUE COPY OF ORDER DATED 06.12.2013 IN IA NO. 3261/2013 IN OS NO. 470/2013.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 8th day of April, 2015

JUDGMENT

Ext.P4 order passed in terms of Section 16 of the Indian Telegraph Act is impugned. None of the contentions urged by the parties are seen reflected therein. Ext.P4 order proceeds as if electricity connection is required for building No. 160/20. The third respondent points out that the building is under construction and that a temporary connection is needed first.

2. It transpires that the second respondent has moved the first respondent for correcting Ext.P4 order. Interest of justice would be met by directing the first respondent to pass an order afresh. Ext.P4 order is quashed for this limited purpose in order to enable the first respondent to pass a reasoned order.

3. The construction of the building by the third respondent cannot be delayed at any cost. A temporary connection has to be given to the third respondent to continue with the construction. The remand is only for the purpose of

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deciphering the route through which the permanent connection has to be given. The first respondent shall pass final orders within a period of one month from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd