

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 6TH DAY OF MARCH 2015/15TH PHALGUNA, 1936

WP(C).No. 5075 of 2015 (H)

PETITIONER(S):

1. SHIHABUDIN, AGED 33 YEARS, S/O.MUHAMMED
MUTTUPPARA HOUSE, EDAPATTA P.O
MELATTOR VAZHI, MALAPPURAM DISTRICT.
2. BUSHARA, W/O.SHIHABUDIN
MUTTUPPARA HOUSE, EDAPATTA P.O
MELATTOR VAZHI MALAPPURAM DISTRICT.

BY ADV. SRI.P.JAYARAM

RESPONDENT(S):

1. THE KERALA STATE ELECTRICITY BOARD
VYDYUTHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM-695004
REPRESENTED BY ITS SECRETARY.
2. THE EXECUTIVE ENGINEER
ELECTRICAL SECTION
K.S.E.B. PERINTHALMANA, MALAPPURAM-679 322.
3. THE ASSISTANT ENGINEER
ELECTRICAL SECTION, K.S.E.B, MELATTOOR
MALAPPURAM 679 326.
4. PATHUNNI UMMA
W/O.CHELENGARA KURIKKAL
KARIVARAMKUNDU VAZHI, IRINGATTIRI P.O
MALAPPURAM-676 523
REPRESENTED BY POWER OF ATTORNEY HOLDER
MR.ISHAQUE A.T.

R BY SRI.M.GOPIKRISHNAN NAMBIAR

R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 - TRUE COPY OF SALE DEED NO.3810 OF 2005 S.R.O. MELATTOOR.
- EXT.P2 - TRUE COPY OF POSSESSION CERTIFICATE DATED 18-6-2007 ISSUED TO PETITIONERS FROM VILLAGE OFFICE, EDAPATTA.
- EXT.P3 - TRUE COPY OF POSSESSION CERTIFICATE DATED 23-5-2013 ISSUED TO PETITIONERS FROM VILLAGE OFFICE, EDAPATTA.
- EXT.P4 - TRUE COPY OF BASIC TAX RECEIPT DATED 31-08-2005, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(A)-TRUE COPY OF BASIC TAX RECEIPT DATED 13-7-2006, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(B)-TRUE COPY OF BASIC TAX RECEIPT DATED 18-8-2007, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(C)-TRUE COPY OF BASIC TAX RECEIPT DATED 16-10-2008, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(D) - TRUE COPY OF BASIC TAX RECEIPT DATED 28-7-2009, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(E)- TRUE COPY OF BASIC TAX RECEIPT DATED 03-01-2011, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(F) - TRUE COPY OF BASIC TAX RECEIPT DATED 18-05-2013, VILLAGE OFFICE, EDAPATTA.
- EXT.P4(G) - TRUE COPY OF BASIC TAX RECEIPT DATED 24-05-2014, VILLAGE OFFICE, EDAPATTA.
- EXT.P5 - TRUE COPY OF LOCATION SKETCH ISSUED TO PETITIONERS WITH RESPECT TO THEIR PROPERTY FROM VILLAGE OFFICE, EDAPPATTA.
- EXT.P6 - TRUE COPY OF JUDGMENT DATED 6-8-2014 IN WPC.NO.13950 OF 2014, HIGH COURT OF KERALA.
- EXT.P7 - TRUE COPY OF LETTER DATED 20-11-2014 ISSUED BY 3RD RESPONDENT TO THE 4TH RESPONDENT
- EXT.P8 - TRUE COPY OF ORDER DATED 9-12-2014 IN CON.CASE(C)NO.1258 OF 2014, HIGH COURT OF KERALA.

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: 2 :

EXT.P9 - TRUE COPY OF THE PLAINT IN O.S.NO.212/2014 ON THE FILES OF MUNSIFF COURT, PERINTALMANNA FILED BY THE 4TH RESPONDENT

EXT.P10 - TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONERS HEREIN/3RD & 4TH DEFENDANTS IN THE SUIT IN O.S.NO.212/2014 ON THE FILES OF MUNSIFF COURT, PERINTALMANNA.

EXT.P11 - TRUE COPY OF ORDER NO.DB/ES-MLR/2014-15/GENERAL/1 DATED 08-12-2014 ISSUED BY 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.5075 of 2015

Dated this the 6th day of March, 2015

J U D G M E N T

The petitioners are the defendants in O.S.No.212/2014 on the file of the court of the Munsiff of Perinthalmanna. The suit has been instituted by the fourth respondent as the plaintiff for recovery of possession on title. The frame of the suit would itself imply that the petitioners are in occupation of the plaint schedule property.

2. Energising the plaint schedule property in the midst of suit will not affect the rival contentions of either parties. The successful litigant take the property with the electricity connection granted. The mere pendency of the suit should not result in the occupants remaining in dark without light or fan.

3. Ext.P11 order refusing electricity connection is hereby quashed. The third respondent is directed to provide electricity connection to the house scheduled in O.S.No.212/2014. This is subject to technical feasibility and other procedural requirements. It is made clear that the grant of

electricity connection will not hamper the right of parties in the suit.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.