

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 20TH DAY OF FEBRUARY 2014/1ST PHALGUNA, 1935

WP(C).No. 5534 of 2015 (N)

PETITIONER:

PONNACHAN, AGED 49 YEARS,
S/O. KUNJACHAN, RODARUKIL VEEDU,
MANJAPPARA P.O., MALAPPEROOR,
KOTTUKKAL VILLAGE, KOTTARAKKARA
TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:

1. THE DISTRICT COLLECTOR, KOLLAM
COLLECTORATE, KOLLAM 691 001.
2. THE ADDITIONAL DISTRICT MAGISTRATE,
KOLLAM 691 001.
3. THE DEPUTY CHIEF ENGINEER,
OFFICE OF DEPUTY CHIEF ENGINEER,
KSEB, KOTTARAKKARA 691 521.
4. THE ASSISTANT EXECUTIVE ENGINEER, KSEB,
AYUR ELECTRICAL SUB DIVISION, AYUR,
KOTTARAKKARA 691 521.
5. THE VILLAGE OFFICER, VILLAGE OFFICE,
KOTTUKKAL, KOTTARAKKARA 691 521.

BY GOVERNMENT PLEADER SRI. T.R. RAJESH
BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20-02-2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT P1 : A PHOTOGRAPH OF THE PETITIONER'S PROPERTY, NEWLY
INSTALLED TRANSFORMER AND ITS LOCALITY.
- EXHIBIT P2 : A TRUE COPY OF ORDER DATED 29.01.2015 OF THE 2ND
RESPONDENT
- EXHIBIT P3 : A TRUE COPY OF THE NOTICE DATED 07.02.2015 OF THE 1ST
RESPONDENT

RESPONDENT(S) EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 5534 OF 2015

Dated this the 20th day of February, 2015

JUDGMENT

The electrical transformer has admittedly been erected outside the boundaries of the property of the petitioner. The second respondent Additional District Magistrate has therefore no jurisdiction to entertain the complaint of the petitioner as held in **Sunil Kumar Vs. Kerala State Electricity Board [2015 (1) KLT 519]**. No provision has been brought to my notice to confer jurisdiction on the District Collector against the orders passed by the Additional District Magistrate of this nature. The prayer of the petitioner to desist from charging the transformer till the first respondent District Collector considers the issue cannot be countenanced in law.

The Writ Petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd