

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 6200 of 2014 (Y)

PETITIONER(S):

PONNAMMA RAJAN, AGED 54 YEARS,
W/O.K.S.RAJAN, BETHEL COTTAGE, NETTOOR DIVISION
KULANADA PO, PATHANAMTHITTA-689503.

BY ADVS.SRI.P.HARIDAS
SMT.S.SIKKY

RESPONDENT(S):

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1. DIST.MAGISTRATE & DIST.COLLECTOR
PATHANAMTHITTA, 689645.
 2. REVENUE DIVISIONAL OFFICER
ADOOR, PATHANAMTHITTA - 691 523
 3. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY THE SECRETARY, VAIDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM-695001.
 4. DEPUTY CHIEF ENGINEER
KSEB, PATHANAMTHITTA-689645.
 5. THE EXECUTIVE ENGINEER
DIVISIONAL OFFICE, KSEB, ADOOR-691 523
 6. THE ASSISTANT EXECUTIVE ENGINEER
KSEB, ELECTRICAL SUB DIVISION, PANDALAM
PATHANAMTHITTA-689501.
 7. THE ASSISTANT ENGINEER
KSEB, SECTION OFFICE, KULANADA
PATHANAMTHITTA-689503.

8. THOMAS GEORGE @ P.T.GEORGE, AGED 86 YEARS
S/O.THOMAS, MANNIL KIZHAKKETHIL HOUSE, KULANADA P.O.
NJETTOOR MURI, KOZHANCHERRY TALUK
PATHANAMTHITTA-689503.

9. CHERIAN.M.GEORGE
C/O.THOMAS GEORGE, MANNIL KIZHAKKETHIL HOUSE
KULANADA P.O., NJETTOOR MURI, KOZHANCHERRY TALUK
PATHANAMTHITTA-689503.

R3-R7 BY ADV. SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
R8,R 9 BY ADV. SRI.V.PHILIP MATHEW
R8,R 9 BY ADV. SRI.JEPH JOSEPH
R1 & R2 BY GOVERNMENT PLEADER SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE SALE DEED NO.3075/1995 OF PANDALAM SRO DATED 02.11.1995.
- EXHIBIT-P2: TRUE COPY OF THE COMMISSION REPORT AND PLAN SUBMITTED IN THE OS NO.580/2000 DATED 13.10.2005.
- EXHIBIT-P3: TRUE COPY OF THE PHOTOGRAPHS SHOWING THE ENCROACHMENT.
- EXHIBIT-P4: TRUE COPY OF THE LETTER NO.4651/08/B5 OF RDO ADDRESSED TO LAND REVENUE COMMISSIONER DATED 05.04.2013.
- EXHIBIT-P5: TRUE COPY OF THE LETTER NO.4651/08/B5 OF RDO ADDRESSED TO ADDL.TAHASILDAR DATED 05.04.2013.
- EXHIBIT-P6: TRUE COPY OF PROCEEDINGS OF ADDITIONAL TAHSILDAR, KOZHENCHERRY - NO.H2/4845/08 DATED 1.7.2013.
- EXHIBIT-P7 TRUE COPY OF THE REVISION PETITION DATED 9.6.2014 FILED BEFORE THE DISTRICT COLLECTOR, PATHANAMTHITTA WITHOUT EXTS.
- EXHIBIT-P8 TRUE COPY OF THE PLAINT IN OS.NO.353/2000 OF MUNSIFF COURT, PATHANAMTHITTA DATED 2.8.2003.
- EXHIBIT P9 TRUE COPY OF THE DECREE IN O.S.NO.353/2003 OF MUNSIFF COURT, PATHANAMTHITTA DATED 27.10.2006.
- EXHIBIT P10 TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.18333/2014 OF THIS HON'BLE COURT DATED 17.7.2014.
- EXHIBIT P11 TRUE COPY OF THE LETTER OF THE DISTRICT COLLECTOR DATED 6.8.2014.
- EXHIBIT P12 TRUE COPY OF THE NOTICE ISSUED BY THE DISTRICT COLLECTOR, PATHANAMTHITTA DATED 31.10.2014.

RESPONDENT(S)' EXHIBITS

- ANNEXURE R6(a) TRUE COPY OF THE SKETCH SHOWING THE LOCATION.
- ANNEXURE R6(b) TRUE COPY OF THE ORDER VIDE NO.B5/4651/2008/K'Dis PASSED BY THE ADDITIONAL DISTRICT MAGISTRATE DATED 12.5.2014.

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- EXT.R8(a) COPY OF SALE DEED NO.2625/1994 DATED 3.10.1994.
- EXT.R8(b) COPY OF THE JUDGMENT DATED 27.10.06 PASSED BY THE MUNSIFF COURT, PATHANAMTHITTA IN O.S.NO.353/03.
- EXT.R8(c) COPY OF THE JUDGMENT DATED 27.10.2006 PASSED BY THE MUNSIFF COURT, PATHANAMTHITTA IN O.S.NO.580/2000.
- EXT.R8(d) COPY OF JUDGMENT DATED 16.7.2005 PASSED BY THE MUNSIFF COURT, PATHANAMTHITTA IN OS.NO.381/03.
- EXT.R8(e) COPY OF NOTICE DATED 4.11.2011 ISSUED BY THE DISTRICT SURVEY SUPERINTENDENT, PATHANAMTHITTA.
- EXT.R8(f) COPY OF THE NOTICE DATED 16.5.2013 ISSUED BY THE ADDITIONAL TAHSILDAR, KOZHENCHERRY.
- EXT.R8(g) COPY OF COMMON JUDGMENT DATED 24.9.2013 PASSED BY THIS HON'BLE COURT IN W.P.(C) NO.22014/13 AND W.P.(C) NO.18624/13
- EXT.R8(h) COPY OF ORDER DATED 12.5.2014 PASSED BY THE SECOND RESPONDENT.
- EXT.R8(i) PHOTOGRAPHS SHOWING THE ELECTRIC POST STANDING IN THE PROPERTY OF THE 9TH RESPONDENT.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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Dated this the 19th day of January, 2015

J U D G M E N T

The parties are at variance as regards the title and possession over a strip of land. The electricity supply line is being proposed to be shifted across this strip. The petitioner asserts that this strip of land is exclusively her pathway. This is emphatically denied by respondents 8 and 9 contending that it is their property. The only course available under these circumstances is to move the Additional District Magistrate under Section 16 of the Indian Telegraph Act. The sixth respondent shall move the Additional District Magistrate concerned impleading the petitioner as well as respondents 8 and 9. The Additional District Magistrate shall advert to the judgment and decree of the suits to which the petitioner and respondents 8 and 9 were parties.

2. The objection to the drawing of line along the strip of land shall be considered. The most feasible route along which the electricity supply line can be drawn shall be finalised. Final orders shall be

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passed on motion made by the sixth respondent within a period of two months.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.