

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 10647 of 2013 (E)

PETITIONERS:

- 1. ANTONY P.V.**
S/O.VAREETH, PUTHEDAN HOUSE, PALAKKAPARAMBU
POST KALLOOR, THRISSUR DISTRICT, PIN 680317.
- 2. ROSEY ANTONY**
W/O.ANTONY P.V., PUTHEDAN HOUSE, PALAKKAPARAMBU
POST KALLOOR, THRISSUR DISTRICT, PIN 680317.

BY ADV. SRI.N.C.JOSEPH

RESPONDENTS:

- 1. ASSISTANT ENGINEER,**
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
PUTHUKKAD SECTION, THRISSUR DISTRICT - 680 302
- 2. THE DEPUTY CHIEF ENGINEER**
KERALA STATE ELECTRICITY BOARD, IRINJALAKUDA CIRCLE
THRISSUR DISTRICT, PIN 680121.

*** ADDL. R3 IMPEADED**

- 3. THE GRAMIN JANATHA WELFARE CO-OPERATIVE SOCIETY**
R.NO. 12224, KALLOOR, AMBALLOOR, THRISSUR
REPRESENTED BY THE SECRETARY

*** IMPEADED AS PER ORDER DATED 05.08.2013 IN I.A NO. 10471/2013**

R1 & R2 BY ADVS. SMT.NAZEEBA.O.H., KERALA STATE ELECTRICITY BOARD
SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
ADDL.R3 BY ADV. SRI.T.N.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

DCS

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APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: COPY OF THE NOTICE ISSUED BY THE FIRST RESPONDENT AS DB-12/2012-13/300/AE/ES/PKD/18.2.2013 TO THE SECRETARY OF REGISTERED NO.1224 GRAMIN JANATHA WELFARE CO-OPERATIVE SOCIETY.

EXHIBIT-P2: COPY OF THE REPRESENTATION DATED 20.3.2013 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

EXHIBIT-P3: COPY OF THE REPLY NOTICE BEARING DB-12/12-13/333/AE/ES/PKD/22-3-2013 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXHIBIT-P4: COPY OF THE COMMUNICATION DATED 1.4.2013 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

ANNEXURE-(a): NOTICE ISSUED TO THE PETITIONER BY THE WRIT PETITIONER

EXHIBIT R3(a): COPY OF THE RENT AGREEMENT DATED 19.9.2009 BETWEEN THE PETITIONERS AND THE THIRD RESPONDENT

EXHIBIT R3(b): COPY OF THE REQUEST DATED 21.08.2012 MADE BY THE 3RD RESPONDENT FOR CHANGE OF ELECTRICAL TARIFF BEFORE THE ASSISTANT ENGINEER ELECTRICAL OFFICE ALAGAPPA NAGAR

EXHIBIT R3(c): COPY OF THE PLAINT IN O.S. NO. 693/2013 BEFORE THE MUNSIF COURT AT IRINJALAKUDA

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

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Dated this the 17th day of March, 2015

JUDGMENT

The Kerala State Electricity Board clarifies that the connection to the premises has been regularised on 25.09.2012 after the arrears are paid. The additional third respondent also submits that they have since vacated the premises and that the petitioners are now in possession of the building in question.

2. There is a dispute between the petitioners as landlords and the additional third respondent as tenant in the Court of the Munsiff of Irinjalakuda. The inter se dispute between the petitioners and the additional third respondent in O.S. No. 693/2013 can be thrashed out before the Civil Court where all factual and legal contentions can be urged.

3. The petitioners are free to enjoy the existing electricity connection or apply for fresh electricity connection without any additional financial burden. The financial burden aforesaid pertains to the liability caused

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by the additional third respondent on account of the occupation of the building by them.

The writ petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

DCS