

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 9599 of 2015 (Y)

PETITIONER:

**NARAYANAN, AGED 50 YEARS
S/O. VARADARAJAN, DARSHANA HOUSE, PEROOR ROAD
ETTUMANOOR PO, ETTUMANOOR VILLAGE, KOTTAYAM TALUK
KOTTAYAM DISTRICT**

BY ADV. SRI.P.M.ZIRAJ

RESPONDENTS:

**1. THE ASSISTANT EXECUTIVE ENGINEER
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
KOTTAYAM DISTRICT-686 631**

**2. THE KERALA STATE ELECTRICITY BOARD,
KOTTAYAM DISTRICT 686631
REPRESENTED BY ITS ASSISTANT EXECUTIVE ENGINEER
ELECTRICAL SECTION, KOTTAYAM**

*** ADDL. R3 AD R4 IMPLEADED**

**3. SAJEEV VELAPPAN NAIR
KOCHU PURAKKAL,
VELOOR C/O SAJITH GOPAL,
THEKKEPATTU
PARIYARAM, CHALAKKUDI, THRISSUR - 680 721.**

**4. N.M.MICHAEL
NELPURA, PUTHENANGADI, KOTTAYAM - 1.**

*** ADDL.R3 AND R4 ARE IMPLEADED AS PER ORDER DATED 19.06.2015 IN
IA 8387/15.**

**R1 & R2 BY ADV. SRI.K.M.SATHYANATHA MENON, SC, KSEB
R3 BY ADV. SRI.T.N.MANOJ
R4 BY ADVS. SRI.P.ABRAHAM CHERIAN
SRI.K.U.PAULOSE (KAIPPILINGATTIL)
SMT.K.N.MANEESHA
SRI.SAJIN JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 9599 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF THE PROCEEDINGS OF THE ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM DATED 13.7.2010**
- EXHIBIT P2: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE FIRST RESPONDENT BEFORE THE ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM DATED 28.9.2013 ALONG WITH THE SITE PLAN**
- EXHIBIT P3: TRUE COPY OF THE OBJECTION DATED 23.10.2013 SUBMITTED BY THE PETITIONER BEFORE THE ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM**
- EXHIBIT P4: TRUE COPY OF THE OBJECTION DATED 12.3.2014 SUBMITTED BY THE PETITIONER BEFORE THE ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM**
- EXHIBIT P5: TRUE COPY OF THE ORDER DATED 7.1.2015 PASSED BY THE ADDITIONAL DISTRICT MAGISTRATE, KOTTAYAM**
- EXHIBIT P6: TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT DATED 19.1.2015 IN WPC NO.1138/2015**
- EXHIBIT P7: TRUE COPY OF THE APPLICATION DATED 7.2.2015 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT**
- EXHIBIT P8: TRUE COPY OF THE RECEIPT DATED 13.2.2015 TOWARDS THE PAYMENT OF SHIFTING OF ELECTRIC LINE**

RESPONDENT(S)' EXHIBITS:-

- EXHIBIT R1(a): TRUE COPY OF THE SAID LAWYER NOTICE DATED 16.02.2015 ISSUED ON BEHALF OF SRI. SAJEEV VELAPPAN NAIR TO THE 1ST RESPONDENT**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 9599 OF 2015

Dated this the 22nd day of July, 2015

JUDGMENT

Ext. P6 judgment was passed on consensus. Respondents 3 and 4 therein agreed to a particular route through which the electricity line has to be drawn. The present writ petition was necessitated since additional respondents three and four objected.

2. The only objection raised is that Section 17 of the Indian Telegraph Act, 1885 cannot be invoked. This is because the post can be shifted from one corner to another corner of the property only. But Works of Licensees Rules, 2006 enables the Kerala State Electricity Board to shift beyond the boundaries of a property (See:- **Gopinathan Nair v. Kerala State Electricity Board [2015 (2) KLT 947]**).

3. The Kerala State Electricity Board assures this Court that 11 KV line and the low tension line will be drawn along the same route. The respondents 1 and 2 are directed to do the needful on collecting labour charges from the petitioner.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**