

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 13037 of 2011 (D)

PETITIONERS :-

1. VASANTHA AMMA,
W/O. MOHANA CHANDRAN NAIR,
MOHANA NIVAS, DEVI NAGAR,
VALLAKKADAVU,
THIRUVANANTHAPURAM - 8.

2. SHEELA AMMA,
W/O. RAVINDRANATH NAIR.C.,
AKASH APARTMENTS,
UDAYA NAGAR, KOCHI-17.

BY ADVS.SRI.K.ANAND
SMT.LATHA KRISHNAN

RESPONDENTS :-

1. ADDITIONAL DISTRICT MAGISTRATE,
KOLLAM, PIN - 690 520.

2. KERALA STATE ELECTRICITY BOARD,
VAIDYUTHI BHAVAN,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS CHIEF ENGINEER(DISTRIBUTION),
PIN - 699 001.

3. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KARUNAGAPPALLY SOUTH,
KOLLAM - 690 528.

4. VILLAGE OFFICER,
THEVALAKKARA,
KOLLAM, PIN - 690 524.

5. CYRIL, OTTUKALATHIL,
MUTTAM, ARINELLUR P.O.,
THEVALAKKARA,
KOLLAM - 690 523.

R1 & R4 BY SMT.M.J.RAJASHREE, SENIOR GOVERNMENT PLEADER
R2 & R3 BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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WP(C).No. 13037 of 2011 (D)

APPENDIX

PETITIONER(S)' EXHIBITS :-

**EXHIBIT P1 : TRUE COPY OF OBJECTION DATED 09.02.2011 SUBMITTED
BY THE PETITIONERS.**

EXHIBIT P1(A) : TRUE COPY OF PETITION DATED 11.03.2011.

EXHIBIT P2 : TRUE COPY OF ORDER NO.KDIS 648/10 M II DATED 05.04.2011.

EXHIBIT P3 : TRUE COPY OF SKETCH.

EXHIBIT P4 : TRUE COPY OF PARTITION DEED NO.3491/1970.

RESPONDENT(S)' EXHIBITS :- NIL

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//TRUE COPY//

P.A. TO JUDGE

ANIL K.NARENDRA, J

W.P.(C)No.13037 of 2011

Dated this the 11th day of March, 2015

JUDGMENT

The petitioner has filed this writ petition seeking a writ of certiorari to quash Ext.P2 order passed by the first respondent by which the Kerala State Electricity Board was permitted to draw an electric line to the residential building of the fifth respondent through the petitioner's property.

2. Today, when the case was taken up for final hearing, the learned Standing Counsel for the Kerala State Electricity Board submitted that on 28.04.2011, even prior to the filing of the present writ petition, line has already been drawn to the residential building of the 5th respondent and the same was also energised.

3. Today, when the case was taken up for final hearing, there was no representation for the petitioner.

4. I have perused the documents produced along with the writ petition and also heard the arguments of the learned Government Pleader for respondents 1 and 4 and also the learned Standing Counsel for the KSEB.

5. A reading of Ext.P2 order passed by the first respondent would show that the route proposed in the said order is the one causing least inconvenience to the parties and the alternate route suggested by the petitioners were found not technically feasible. The proposed route involves 77 meters overhead line and 32 meters weather proof line, whereas the alternate route involves 145 meters overhead line and 30 meters weather proof line. It was based on the materials on record, the 1st respondent concluded in Ext.P2 order that, the proposal made by the board is the feasible one. The said finding in Ext.P2 order is neither arbitrary nor perverse warranting an interference of this Court under Article 226 of the Constitution of India.

In such circumstances, this writ petition fails and the same is dismissed.

No order as to costs.

Sd/-
ANIL K.NARENDRA
JUDGE

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//TRUE COPY//

P.A. TO JUDGE