

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C) .No. 11804 of 2015 (S)

PETITIONER(S) :-

DR. C.S.SREEKUMAR, AMC-II/172, SARASWATHY VILAS,
BEHIND K.S.R.T.C.GARAGE, ATTINGAL,
THIRUVANANTHAPURAM DISTRICT, KERALA.

BY ADVS.SRI.GOPAKUMAR G. (ALUVA)
SMT.ANUPAMA JOHNY

RESPONDENT(S) :-

1. KERALA STATE ELECTRICITY BOARD REPRESENTED BY ITS
CHAIRMAN AND SECRETARY, VYDYUTHI BHAVANAM,
PATTOM, THIRUVANANTHAPURAM - 695 004.
2. THE EXECUTIVE ENGINEER, ELECTRICAL DIVISION, KSEB,
ATTINGAL - 695 101, THIRUVANANTHAPURAM DISTRICT.
3. THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL SUB DIVISION,
KSEB, ATTINGAL - 695 101, THIRUVANANTHAPURAM DISTRICT.
4. THE CHIEF ELECTRICAL INSPECTOR,
OFFICE OF THE CHIEF ELECTRICAL INSPECTOR,
HOUSING BOARD BUILDING, SHANTI NAGAR,
THIRUVANANTHAPURAM - 695 007.
5. KERALA PUBLIC WORKS DEPARTMENT, ROADS SUB DIVISION,
ATTINGAL - REPRESENTED BY THE ASSISTANT EXECUTIVE ENGINEER,
THIRUVANANTHAPURAM DISTRICT - 695 101.
6. ATTINGAL MUNICIPALITY, REPRESENTED BY ITS
SECRETARY, ATTINGAL - 695 101.
7. STATE OF KERALA REPRESENTED BY SECRETARY TO THE
GOVERNMENT ELECTRICITY DEPARTMENT, PIN - 695 001.

BY SRI.AYYAPPAN SANKAR
BY SPL.GOVERNMENT PLEADER SMT.GIRIJA GOPAL
BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09-04-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

Petitioner's Exhibits :-

Ext.P1 :- True copy of the representation dt.16-12-2014 submitted to the second respondent.

Ext.P2 :- True copy of the judgment of the Hon'ble High Court in W.P.C.No.8913/2015.

Ext.P3 :- True copy of the reply dt.13/03/2015 issued by the second respondent.

Ext.P4 :- True photograph showing the Transformer installed by the respondents 1 to 4.

Respondent's Exhibits :- NIL.

//True Copy//

P.A. to Judge

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.11804 of 2015

Dated this the 9th day of April 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court by filing the writ petition in the form of a public interest litigation seeking the following reliefs :-

- “(i) to issue a writ of mandamus or any other appropriate writ, direction or order commanding the respondents not to grant permission to install transformers on the road margins or footpaths in the State of Kerala without leaving at least 1.5 meters for the free movement of the pedestrians.
- (ii) to issue a writ of mandamus or any other appropriate writ, direction or order commanding the 2nd and 3rd respondents to remove the 11KV transformer from the road margin of the Palace road at their own expenses to a suitable location within a time limit to be prescribed by this Honourable Court.
- (iii) to issue a writ of certiorari or any other appropriate writ, order or direction, quashing the clearance given by the sixth respondent for the installation of the transformer on the road margin of Palace road, call for the records.
- (iv) to issue a writ of mandamus or any other appropriate writ, direction or order commanding the 2nd respondent to consider Ext.P1 representation afresh after hearing the petitioner.”

2. It is inter alia contended that on account of installation of transformers in the busy Palace road without

keeping sufficient road margins, there is serious threat to the life of pedestrians as sufficient road margin was not provided for pedestrians to pass through the road. The petitioner's main grievance is that due to the non-availability of sufficient space in the road margin, the pedestrians, who passes through the said area is under severe danger.

3. Maintenance of roads, road margins etc. are matters related to public convenience, which are intended to serve the general public. Such matters are looked into by the concerned departments as well as the local authorities. The drawing of electric lines through the public roads and fixation of transformer are done by the Kerala State Electricity Board (KSEB) only when necessary permissions are obtained from the concerned authorities in consultation with the local authorities.

4. Under such circumstances, we do not intend to entertain this writ petition as a public interest litigation matter. We only observe that if the petitioner has any grievance regarding the dangerous positions of the

-: 3 :-

transformer, he has to agitate the same before the appropriate authorities, who shall look into the matter and do the needful.

With the above observation, this writ petition is disposed of.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

Jvt