

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 13400 of 2015 (Y)

PETITIONERS:

1. C.SHAJI, S/O.CHELLAPPAN,
CHIRAYIL PUTHEN VEEDU,
CHEMMAKKAD.P.O., PERINAD,
PANAYAM VILLAGE, KOLLAM.
2. OMANAKUTTAN, S/O.SIVASANKARA PILLAI,
CHARUVILA KIZHAKKATHIL, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
3. GOMATHI AMMA, W/O.KESAVA PILLAI,
CHARUVILA KIZHAKKATHIL, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
4. SAJEEV, S/O.SANKARA PILLAI,
PANCHAJANYAM, CHAMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
5. SUSEELA.T., W/O.RAJU, CHARVILA
THAZHATHIL, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
6. ANILKUMAR, S/O.PARAMESWARAN,
KRISHNA KRIPA, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
7. VIMALA, W/O MOHANAN,
DARSANA BHAVANAM, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
8. SHERLY. J, D/O.ROMACHAN,
ANGELS PARADISE, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.
9. SIVAPRASAD, S/O.KUNJATHAN,
CHIRAYIL PUTHENVEEDU, CHEMMAKKAD.P.O.,
PERINAD, PANAYAM VILLAGE, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE
COLLECTORATE, CIVIL STATION,
CUTCHERY.P.O., KOLLAM - 691 013.
2. THE VILLAGE OFFICER,
PANAYAM VILLAGE, PANAYAM.P.O,
KOLLAM PIN - 691 601.
3. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY IST SECRETARY, VYDHYUTHI BHAVAN
PATTON.P.O, THIRUVANANTHAPURAM-4.
4. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL CIRCLE, KOLLAM, PIN-691001.
5. THE EXECUTIVE ENGINEER,
TRANSMISSION CONSTRUCTION DIVISION
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, KOTTARAKKARA.P.O, KOLLAM - 691 506.
6. THE ASSISTANT EXECUTIVE ENGINEER,
TRANSMISSION CONSTRUCTION SUB DIVISION
KERALA STATE ELECTRICITY BNOARD,
AYATHIL.P.O, KOLLAM PIN-691017.
7. THE SENIOR SUPERINTENDENT,
INSPECTION AND VIGILANCE
KERALA STATE ELECTRICITY BOARD
KERALA STATE ELECTRICITY BOARD, KOLLAM-691001.

R3 -R7 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB
BY SENIOR GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 THE TRUE COPY OF THE APPLICATION DATED 25/10/2013 FILED BY THE PETITIONERS BEFORE THE 5TH RESPONDENT AND ITS RECEIPT
- EXT.P2 THE TRUE COPY OF THE JUDGMENT DATED 15/01/2015 IN WP(C)1189/2015 OF THIS HON'BLE COURT
- EXT.P3 THE TRUE COPY OF THE ORDER NO:MA-107078/2014 ISSUED BY THE 1ST RESPONDENT DATED 19.03.2015
- EXT.P4 THE TRUE COPY OF THE SKETCH SUBMITTED BY THE PETITIONERS.
- EXT.P5 THE TRUE COPY OF THE REPORT OBTAINED BY THE PETITIONERS UNDER RIGHT TO INFORMATION ACT.
- EXT.P6 THE TRUE COPY OF THE GOOGLE SKETCH

RESPONDENT(S)' EXHIBITS

- EXHIBIT R3(a) TRUE COPY OF THE LETTER DATED 17.01.2012 ISSUED FROM THE SR. DIVISIONAL ELECTRICAL ENGINEER/GENL. SOUTHERN RAILWAY, THIRUVANANTHAPURAM TO THE 5TH RESPONDENT

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 13400 OF 2015

Dated this the 7th day of July, 2015

JUDGMENT

The route along which the electricity line is proposed to be drawn has been finalised on the basis of the various inputs from the Power Telecom Co-ordination Committee, The Kerala State Electricity Board and the Indian Railways. The route suggested by the petitioners involve crossing of power lines within the limit of Perinad Railway station yard which was decided to be avoided. Respondents 3 to 6 have filed a counter affidavit wherein it is inter alia averred as follows:

“It is submitted that the statutory clearance of 110KV line from ground is 6.4 meter whereas in the present case the actual clearance from ground to the lowest part of the live conductor will be 21 meter at lowest sag point. Thus it could be seen that a four storied building vertical clearance of 4.8 meter if necessary. Similarly, cultivation of low rise crops can be carried out, as evident from the existing EHT lines along and across Kerala.”

2. The line is proposed to be drawn at such a height that it would cause no hindrance at all to the petitioners even for constructing a four storied building. 7 kms of the 110 KV

WP(C) No. 13400/2015

electricity line has already been drawn and only 1 km of length is left. All the relevant aspects have been considered by the Additional District Magistrate in Ext.P3 order passed in exercise of the jurisdiction under Section 16 of the Indian Telegraph Act. The economic viability as well as the technical feasibility has been taken into account in fixing the route along which the electricity line is proposed to be drawn (without any impediment to the power lines existing to cater to the needs of the railways). I do not find any sufficient ground to interfere with Ext.P3 order of the Additional District Magistrate in exercise of the jurisdiction under Article 226 of the Constitution of India.

The Writ Petition fails and is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd