

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 15376 of 2015 (V)

PETITIONERS:

- 1. CHANDRAN M. AGED 55 YEARS**
S/O.LATE ANANTHAN CHETTIAR, MANJALAM VEEDU
VADUVANACHAL P O, MUPPAINAD, VYTHIRI TALUK
KALPETTA, WAYANAD DISTRICT
- 2. C K MEENAKSHIAMMA, AGED 70 YEARS**
W/O.LATE ANANTHAN CHETTIAR, MANJALAM VEEDU
VADUVANACHAL P O, MUPPAINAD, VYTHIRI TALUK
KALPETTA, WAYANAD DISTRICT
- 3. SASI**
S/O.LATE ANANTHAN CHETTIAR, MANJALAM VEEDU
VADUVANACHAL P O, MUPPAINAD, VYTHIRI TALUK
KALPETTA, WAYANAD DISTRICT
- 4. YASODHA**
D/O.LATE ANANTHAN CHETTIAR, MANJALAM VEEDU
VADUVANACHAL P O, MUPPAINAD, VYTHIRI TALUK
KALPETTA, WAYANAD DISTRICT
- 5. ANIL M**
S/O.LATE ANANTHAN CHETTIAR, MANJALAM VEEDU
VADUVANACHAL P O, MUPPAINAD, VYTHIRI TALUK
KALPETTA, WAYANAD DISTRICT

BY ADV. SRI.MANOJ RAMASWAMY

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,**
WAYANAD DISTRICT, COLLECTORATE, WAYANAD 673121
- 2. THE ADDITIONAL DISTRICT MAGISTRATE**
WAYANAD DIST, WAYANAD 673121
- 3. THE ASSISTANT EXECUTIVE ENGINEER**
ELECTRICAL SUB DIVISION
KERALA STATE ELECTRICITY BOARD, KALPETTA
WAYANAD DIST. 673121

R1 AND R2 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R3 BY SRI.K.M.SATHYANATHA MENON, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 15376 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- TRUE COPY OF THE ROUGH SKETCH SHOWING THE LIE OF THE PROPERTY**
- P2:- TRUE COPY OF THE OBJECTION/PETITION DTD 31/3/2014 SUBMITTED BEFORE THE 1ST RESPONDENT**
- P3:- TRUE COPY OF THE NOTICE NO 2014/10156/12 DTD 4/9/2014 ISSUED BY THE 2ND RESPONDENT**
- P4:- TRUE COPY OF THE OBJECTION DTD 20/9/2014 SUBMITTED BEFORE THE 2ND RESPONDENT**
- P5:- TRUE COPY OF THE ORDER NO MS/2014/10516/12 DTD 25/2/2015**
- P6:- TRUE COPY OF THE REPRESENTATION DTD 6/4/2015 SUBMITTED BEFORE THE 2ND RESPONDENT**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 15376 OF 2015

Dated this the 26th day of May, 2015

JUDGMENT

Ext. P5 order passed in terms of Section 16 of the Indian Telegraph Act is impugned. The order reflects that the electricity line is proposed to be drawn along a pathway only. The alternate route suggested by the petitioners runs through a private estate for which permission of the owner has to be obtained.

2. The second respondent had called for a report by the Senior Superintendent (Inspection and Audit Wing). It was on the basis of the report and the evidence on record was Ext. P5 order passed. The second respondent has found that the route proposed is technically feasible and economically viable too.

3. I do not find any vitiating circumstances to annul Ext. P5 order at the instance of the petitioners. No legal injury to the petitioners has been established in the proceedings. Ext. P5 order does not suffer from any infirmity in law as to necessitate its invalidation.

The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS