

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 15541 of 2015 (P)

PETITIONER:

TAIJU, AGED 43 YEARS, S/O. JOSE,
MANALI PARAMBIL HOUSE,
PERIGANDOOR, THRISSUR.

BY ADV. SRI. T. RAJASEKHARAN NAIR

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR - 680 001.
2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
K.S.E.B WADAKKANCHERY
THRISSUR - 680 582.
3. SREERANJINI, D/O. VELAYUDHAN NAIR,
AYYAPPATH HOUSE, PERINGANDOOR - 680 581.
4. SARTHAMMA P., PULIYAMKOTTUVEEDU,
PERIGANDOOR, THRISSUR - 680 581.

R3 BY ADV. SRI. C. A. CHACKO
R4 BY ADV. SMT. V. GEETHA POTTI
BY GOVERNMENT PLEADER SRI. GIKKU JACOB
BY SRI. SAJEEVKUMAR K. GOPAL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF THE PHOTOCOPY OF THE SALE DEED EXECUTED IN FAVOUR OF THE PETITIONER.
- EXHIBIT P2 - TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P3 - TRUE COPY OF THE ORDER DATED 29/12/2014, PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P4 - TRUE COPY OF THE MODIFICATION ORDER DATED 29/12/2014 PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P5 - TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXHIBIT P6 - TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER BEFORE THE POLICE.
- EXHIBIT P7 - TRUE COPY OF THE JUDGMENT IN W.P(C) 509/2015 AND 679/2015
- EXHIBIT P8 - TRUE COPY OF THE SKETCH NO. 1 APPROVED BY THE 1ST RESPONDENT.
- EXHIBIT P9 - TRUE COPY OF THE SKETCH NO. 2 PRODUCED BY THE 2ND RESPONDENT AS ALTERNATIVE PROPOSAL
- EXHIBIT P10 - TRUE COPY OF THE NEW SKETCH IS PRODUCED BY THE 2ND RESPONDENT.
- EXHIBIT P11 - TRUE COPY OF THE SETTLEMENT DEED EXECUTED BY SRI. VELAYUDHAN NAIR IN FAVOUR OF HIS DAUGHTER, THE 3RD RESPONDENT.
- EXHIBIT P12 - TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT.
- EXHIBIT P13 - TRUE COPY OF THE LETTER ALONG WITH THE ESTIMATE OF CALCULATED BASED ON THE NEW PROPOSAL ISSUED BY THE 2ND PETITIONER.
- EXHIBIT P14 - TRUE COPY OF THE RECEIPT ISSUED BY THE 2ND RESPONDENT SHOWING THE REMITTANCE OF BALANCE AMOUNT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 15541 OF 2015

Dated this the 23rd day of June, 2015

JUDGMENT

The Advocate Commissioner deputed by this court has filed a detailed report dated 09.06.2015 along with a sketch. Paragraph 8 of the report inter alia states as follows:

“8. On a perusal of the entire sketch the most feasible route seems to be the new proposal made by second respondent in Ext.P10 but with a change. The post is presently proposed to be laid on the western side of the property of the petitioner within a distance of 1 metre from the boundary inside the basement. On inspection it is seen that towards the north western side of the basement there is a survey stone at a gap of almost 1 metre. If the proposed post is put outside the basement in between the survey stone and boundary of the petitioner then as shown in Ext.P10 the line can be drawn in a straight manner by changing the meter of 4th respondent's house to the western side and then the same will pass only through the boundary of the proposed residential building of petitioner. A sketch that throws light into the said route is produced herewith.”

2. The Advocate Commissioner has opined that the route 'EF' would be more feasible than the route 'CD' as shown in the sketch. The first respondent Additional District Magistrate had

WP(C) No. 15541/2015

obviously no opportunity to consider the route now suggested by the Advocate Commissioner. I do feel that the matter needs a relook at the hands of the first respondent in terms of the Indian Telegraph Act and the Works of Licensees Rules. I quash Ext.P12 order and direct the first respondent to pass orders anew after hearing all parties. The needful shall be done within a period of one month from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd