

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 15562 of 2015 (U)

PETITIONER:

**PREMNATH
S/O. RAMAKRISHNAN, TRANS ENGINEERING & FABRICATION
SN COLLEGE ROAD, KULAPULLY, SHORNUR-679 122
PALAKKAD DISTRICT.**

BY ADV. SRI.P.JAYARAM

RESPONDENTS:

- 1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY SECRETARY, PATTOM P.O.
THIRUVANANTHAPURAM-695 004.**
- 2. ASSISTANT ENGINEER
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
SHORNUR-679 122, PALAKKAD DISTRICT.**
- 3. EXECUTIVE ENGINEER
ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD
SHORNUR-679 122, PALAKKAD DISTRICT.**
- 4. SAIDALI
S/O. NOT KNOWN TO THE PETITIONER, KURUVATTOOR
VALLAPUZHA, PALAKKAD DISTRICT-679 336.**

**R1 TO R3 BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
R4 BY ADVS. DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 : COPY OF THE ACKNOWLEDGEMENT DTD.29.4.2014 ISSUED FROM DISTRICT INDUSTRIES CENTRE TO THE PETITIONER.**
- P2 : COPY OF THE CONSENT DTD.20.2.2015 ISSUED TO THE PETITIONER FROM KERALA STATE POLLUTION CONTROL BOARD.**
- P3 : COPY OF THE RECEIPT DTD.12.2.2015 ISSUED TO THE PETITIONER FROM KERALA STATE ELECTRICITY BOARD.**
- P3(a): COPY OF THE RECEIPT DTD.18.4.2015.**
- P3(b): COPY OF THE RECEIPT DTD.27.4.2015.**
- P4 : COPY OF THE REPLY DTD.20.5.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**
- P5 : COPY OF THE NOTICE NO.ES.SRR/19/ DTD.18.5.2015 ISSUED TO THE PETITIONER FROM KERALA STATE ELECTRICITY BOARD.**

RESPONDENT(S)' EXHIBITS:-

- R4(a): COPY OF THE TAX RECEIPT ISSUED BY SHORNUR-1 VILLAGE OFFICER DATED 10.11.2014**
- R4(a): COPY OF THE SALE DEED IN FAVOUR OF THE PETITIONER DATED 10.8.2009**
- R4(b): COPY OF THE COMPLAINT FILED BY THE 4TH RESPONDENT DATED 21.04.2015**
- R4(c): COPY OF THE LETTER GIVEN BY THE THIRD RESPONDENT TO THE 4TH RESPONDENT DATED 24.04.2015**
- R4(d): COPY OF THE REPORT GIVEN BY THE TALUK SURVEYOR, OTTAPALAM DATED 5.5.2015**
- R4(e): COPY OF THE SKETCH GIVEN BY THE TALUK SURVEYOR, OTTAPALAM COUNTERSIGNED BY THE ADDITIONAL TAHSILDAR, OTTAPALAM DATED 12.05.2015**
- R4(f): COPY OF THE REPRESENTATION FILED BY THE FOURTH RESPONDENT DATED 12.05.2015**
- R4(g): COPY OF THE COMPLAINT FILED BY THE 4TH RESPONDENT BEFORE THE DISTRICT COLLECTOR, PALAKKAD DATED 6.6.2015**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 15562 OF 2015

Dated this the 22nd day of July, 2015

JUDGMENT

The electricity line to the industrial premises of the petitioner has already been drawn. The dispute however lingers on as regards the route along which the electricity line has been drawn.

2. The petitioner asserts that the electricity line has been drawn along a pathway leading to his property. The said pathway has allegedly been dedicated by the owners of the property on either sides.

3. The fourth respondent asserts that the alleged pathway is his exclusive property. The petitioner has no right to draw electricity supply line along the said route. The fourth respondent points out that another pathway is available for the petitioner to take the electricity supply line.

4. The matter can be given a quietus by directing the Additional District Magistrate to probe into the issue. He can exercise the powers under Section 16 and 17 of the Indian Telegraph Act, 1885 read with Rule 3 of the Works of Licensees Rules, 2006 (See:- **Gopinathan Nair v. Kerala**

State Electricity Board [2015 (2) KLT 947]). It is not the ownership or title of the property that is very material. It is the technical feasibility and the economical viability that matters. Whether there is another alternate route taking note of these factors is the question to be probed.

5. The second respondent has undertaken to move the Additional District Magistrate in this regard. Any motion made within three weeks from today shall be dealt with by the Additional District Magistrate within one month therefrom. Needless to say that the petitioner as well as the fourth respondent shall be put on notice and heard in the exercise. The electricity connection to the industrial premises of the petitioner shall not be snapped till orders are passed by the Additional District Magistrate as directed above.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS