

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 18379 of 2015 (V)

PETITIONER:

**SUKUMARAN NADAR, S/O.RAMAN AGED 70 YEARS
"RADHALAYAM", PAZHAVILA, DAYA NAGAR
KUDAPPANAKKUNNU PO.THIRUVANANTHAPURAM.**

**BY ADVS.SRI.RAM MOHAN.G.
SRI.G.P.SHINOD
SRI.MANU V.
SRI.GOVIND PADMANAABHAN
SRI.AJIT G.ANJARLEKAR**

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM DISTRICT
COLLECTORATE, CIVIL STATION, KUDAPPANAKKUNNU
THIRUVANANTHAPURAM - 695 015.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE
THIRUVANANTHAPURAM DISTRICT, COLLECTORATE
CIVIL STATION, KUDAPPANAKKUNNU
THIRUVANANTHAPURAM - 695 015.**
- 3. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VYDYUTHI BHAVAN, PATTOM
THIRUVANANTHAPURAM - 695033.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD
ELECTRICAL SUB DIVISION, VELLAYAMBALAM
THIRUVANANTHAPURAM - 695 010.**
- 5. PRASHOBHA DEVI
DEVIKRISHNA, DREAM VILLAS, KUDAPPANAKKUNNU
THIRUVANANTHAPURAM - 695 005.**
- 6. RAJAN, PAZHAVILA PURAYIDOM
KUDAPPANAKKUNNU, THIRUVANANTHAPURAM - 695005.**

**R1 & R2 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
R3 & R4 BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
R5 BY ADV. SRI.N.SASIDHARAN UNNITHAN
R6 BY ADVS. SRI.SABU S.KALLARAMOOLA
SRI.PATHIRIPALLY S.KRISHNAKUMARI**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
25-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1 - A TRUE PHOTOCOPY OF THE ORDER NO.D.DIS.S1-28355/99 DATED 3.5.2000 OF THE FIRST RESPONDENT.
- P2 - A TRUE PHOTOCOPY OF THE LETTER NO.KSEB/ESD-VLBM/CASE ADM/2014-15/217 DATED 23.05.2014 OF THE FOURTH RESPONDENT TO THE SECOND RESPONDENT.
- P3 - A TRUE PHOTOCOPY OF THE PETITION DATED 23.05.2014 IN TERMS OF SECTION 67(2)(B) OF THE INDIA ELECTRICITY ACT OF THE FOURTH RESPONDENT TO THE SECOND RESPONDENT
- P4 - A SKETCH SHOWING THE PROPOSED ROUTE FOR ELECTRIC CONNECTION TO THE FIRST FLOOR OF THE PETITIONER'S BUILDING PREPARED BY THE FOURTH RESPONDENT AND THE ASSISTANT ENGINEER, ELECTRICAL SECTION, KUDAPPANAKUNNU.
- P5 - A TRUE COPY OF THE OBJECTION DATED 15.5.2014 SUBMITTED BY THE FIFTH RESPONDENT TO THE FOURTH RESPONDENT.
- P6 - A TRUE COPY OF THE OBJECTION DATED 19.05.2014 SUBMITTED BY THE FIFTH RESPONDENT TO THE FOURTH RESPONDENT.
- P7 - A SKETCH PREPARED BY THE FOURTH RESPONDENT SHOWING THE ALTERNATE ROUTE SUGGESTED BY THE FIFTH RESPONDENT.
- P8 - A TRUE PHOTOCOPY OF THE OBJECTION DATED 25.03.2014 SUBMITTED BY THE FIFTH RESPONDENT TO THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL SECTION, KUDAPPANAKUNNU RESPONDENT.
- P9 - A TRUE PHOTOCOPY OF THE OBJECTION DATED 13.08.2014 SUBMITTED BY THE FIFTH RESPONDENT TO THE FIRST RESPONDENT.
- P10 - A TRUE PHOTOCOPY OF THE REPRESENTATION DATED 29.03.2014 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT
- P11 - A TRUE PHOTOCOPY OF THE REPRESENTATION DATED 20.08.2014 SUBMITTED BY THE PETITIONER BEFORE THE FIRST RESPONDENT.
- P12 - A TRUE PHOTOCOPY OF THE ORDER NUMBER S1-42166/2014/DDIS DATED 10.11.2014

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 18379 OF 2015

Dated this the 25th day of June, 2015

JUDGMENT

There already exists a service line from the post erected in the property of the fifth respondent to the ground floor of the building of the petitioner. The petitioner wants another service line to be drawn along the same route to the first floor of the same building. The motion made by the fourth respondent in this regard has been turned down by the second respondent by Ext. P12 order which is impugned in this writ petition. The petitioner relies on the following observation in **Bharghavan Pillai K.P. v. KSEB, Tvm and Others [2014(1) KLT 48]**.

“It is not disputed that there existed a service wire drawn from the very same post standing in the corner of the property of the 5th respondent, since the year 1995 onwards. If that be so, drawing of one more service wire to the same building for providing connection to the 1st floor portion cannot be objected as causing any prejudice or inconvenience to the 5th respondent.”

2. The fifth respondent opposes the reliefs sought in the writ petition raising the following contentions:-

i) It was inequitable on the part of the second respondent to have passed Ext. P12 order when Ext. P6 petition for shifting of the existing service line is pending.

ii) Providing multiple connections to the different floors of the same residential building owned by the same person without separate door numbers is prohibited.

3. I do feel that all the aspects of matter have not been considered by the second respondent and therefore Ext. P12 order passed by him is quashed. The second respondent shall advert to the contentions reflected above and pass orders anew with notice to the parties. The needful shall be done within a period of six weeks from the date of production of a copy of this judgment. The third respondent has ofcourse to provide electricity connection to the first floor of the building owned by the petitioner as per law.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**