

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 22873 of 2013 (H)

PETITIONER:

**RATNAMANI
D/O.MAVILA KRISHNAN NAMBIAR, P O KAVUMBAL
SREEKANDAPURAM, PRESENTLY R/A.SAUPARNIKA, MLA ROAD
UDAYAMPEROOR P O, ERNAKULAM -682307**

BY ADV. SRI.ABRAHAM JOHN

RESPONDENTS:

- 1. ADDITIONAL DISTRICT MAGISTRATE
KANNUR, KERALA STATE -670003**
- 2. KERALA STATE ELECTRICITY BOARD
VAIDYUTHIBHAVAN, PATTOM, THIRUVANANTHAPURAM
REP BY ITS SECRETARY-695001**
- 3. ASSISTANT EXECUTIVE ENGINEER
SUB STATION, SUB DIVISION, P O KANKOL
PAYYANNUR-670307**

**R2 & R3 BY ADVS. SRI.K.M.SATHYANATHA MENON, SC, KSEB
SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

WP(C).No. 22873 of 2013 (H)

APPENDIX

PETITIONER(S)' EXHIBITS

P1:- TRUE COPY OF THE SETTLEMENT DEED NO 2627/2000

P2:- TRUE COPY OF THE ORDER DTD 17/8/2013

RESPONDENT(S)' EXHIBITS:- NIL

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 22873 OF 2013

Dated this the 01st day of April, 2015

JUDGMENT

As many as 10 persons were arrayed as respondents in the proceedings before the Additional District Magistrate of Kannur. The proceedings were in terms of Section 16 of the Indian Telegraph Act, 1885 preparatory to the drawing of the electricity line. Eight persons participated in the enquiry except the petitioner and another.

2. The Government Pleader on instructions submits that notice was served on the petitioner through the Village Officer. The notice dated 11.07.2013 was served through the Village Officer on 20.07.2013 intimating the date of hearing as 03.08.2013. The Electricity Board also points out that the petitioner was very much at site when the Additional District Magistrate himself conducted a local inspection.

3. The electricity line does not cross any building of the petitioner. The petitioner did not appear before the Additional District Magistrate and participate in the enquiry. It is difficult to digest that no notice was served on the petitioner when eight others could individually participate in the enquiry. Added to this is the fact that the Additional District Magistrate later conducted a site inspection.

I am not inclined to interfere with Ext. P2 order in the circumstances. The writ petition is dismissed.

**V. CHITAMBARESH
JUDGE**

DCS