

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 16TH DAY OF JULY 2015/25TH ASHADHA, 1937

WP(C).No. 20545 of 2015 (P)

PETITIONER(S):

MOHANAN PILLAI, AGED 55 YEARS
S/O. VASUDEVAN PILLAI, ELLUVILA VEEDU, THAZHAMEL
ANCHAL, PATHANAPURAM.

BY ADV. SRI.R.KRISHNAKUMAR (CHERTHALA)

RESPONDENT(S):

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1. ANCHAL GRAMA PANCHAYATH
REP. BY ITS SECRETARY, PANAHCYATH OFFICE
ANCHAL - 691 306.
 2. VILLAGE OFFICER
VILLAGE OFFICE, ANCHAL, PATHANAPURAM TALUK
KOLLAM DISTRICT - 691 306.
 3. ASSISTANT ENGINEER
ELECTRICAL SECTION, K.S.E.B ELECTRICAL SECTION
ANCHAL WEST, PATHANAPURAM - 691 306.

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.
R BY SRI.C.J.JOY, SC,ANCHAL GRAMA PANCHAYAT
R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 20545 of 2015 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

P1 - A TRUE COPY OF THE LAND TAX RECEIPT OF PROPERTY IN RESPECT OF SY. NO. 485/25 OF ANCHAL VILLAGE DT. 07.6.12.

P2 - A TRUE COPY OF THE ORDER DT. 18.8.12 IN IA NO. 1944/2012 IN OS NO. 321/2012 ON THE FILE OF THE HON'BLE MUNSIFF COURT, PUNALUR.

P3 - A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT. 08.5.15.

P4 - A TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT. 30.6.15.

P5 - A TRUE COPY OF THE COMMUNICATION ISSUED BY THE 3RD RESPONDENT BEARING NO. A3/ACW/2015-16/PWD PANCHAYATH/66 DT. 02.7.15.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.20545 of 2015

Dated this the 16th day of July, 2015

J U D G M E N T

Heard the counsel for the petitioner, Standing Counsel for the first respondent Panchayat, the Government Pleader for the second respondent and the Standing Counsel for the third respondent Kerala State Electricity Board.

2. The proposed shifting of electricity post is objected to by the petitioner asserting title and possession over the property. The petitioner contends that he is armed with an order of injunction in I.A.No.1944/2012 in O.S.No.321/2012 - Munsiff Court, Punalur. It is the case of the petitioner that the post which was earlier erected on the side of the stream is being shifted to his property. The first respondent Panchayat contends that there is serious dispute as regards the boundary. This part of the property to which the electricity post is being shifted belongs to the Panchayat is the contention.

3. It would be appropriate in such circumstances to move the Additional District Magistrate in terms of Section 16 of the Indian

Telegraph Act, 1885 read with works of Licensees Rules, 2006. [See V.Gopinathan Nair v. Kerala State Electricity Board and others (2015 (2) KLT 947)]. The third respondent shall move the Additional District Magistrate and obtain permission before the electricity post is attempted to be shifted. Needless to say that the petitioner, first respondent Panchayat and other affected parties shall be put on notice and heard. Steps to shift the electricity post shall be taken dependent on the orders to be passed by the Additional District Magistrate.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.