

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 5TH DAY OF JANUARY 2015/15TH POUSHA, 1936

WP(C).No. 24941 of 2011 (P)

PETITIONER:

**SUBHALEKSHMI M.P., AGED 41 YEARS,
D/O.PARUKUTTY AMMA, KIZHAKKEVILA, KUREEPUZHA
MRA 171, KAVANADU P.O., KOLLAM.**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
KOLLAM, PIN 691001.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE,
KOLLAM, PIN 691001.**
- 3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, SAKTHIKULANGARA.**

**R1 & R2 BY GOVERNMENT PLEADER SRI. P. FAZIL
R3 BY ADVS. SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
SRI.K.M.SATHYANATHA MENON,SC,KSEB**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS :-

- EXHIBIT-P1:** TRUE COPY OF THE COMPLAINT DATED 22.3.2011
SUBMITTED BY THE PETITIONER BEFORE THE DISTRICT
COLLECTOR, KOLLAM.
- EXHIBIT-P2:** TRUE COPY OF THE PETITION DATED 29.3.2010 SUBMITTED
BY THE CHIEF MANAGER, PUNJAB NATIONAL BANK
BEFORE THE DISTRICT COLLECTOR, KOLLAM.
- EXHIBIT-P3:** TRUE COPY OF THE SITE PLAN PREPARED BY THE
VILLAGE OFFICER, SAKTHIKULANGARA.
- EXHIBIT-P4:** TRUE COPY OF THE NOTICE NO.M4-24131/11 DATED 6.6.2011
ISSUED BY THE OFFICE OF THE DISTRICT COLLECTOR,
KOLLAM.
- EXHIBIT-P5:** TRUE COY OF THE NOTICE NO.M4/24131/11 DATED 28.6.2011
ISSUED BY THE OFFICE OF THE DISTRICT COLLECTOR,
KOLLAM.
- EXHIBIT-P6:** TRUE COPY OF THE ORDER DATED 25/08/2011 ISSUED BY
THE ADDITIONAL DISTRICT MAGISTRATE AND SERVED
ON THE PETITIONER ON 14/09/2011.

RESPONDENT(S)' EXHIBITS:-

- EXHIBIT R3(a) :** TRUE COPY OF THE PHOTOGRAPHS SHOWING THE
POSITION BY THE TRANSFORMER
- EXHIBIT R3(b) :** TRUE COPY OF THE ROUTE MAP OF THE AREA WHERE
THE TRANSFORMER IS ERECTED
- EXHIBIT R3(c) :** TRUE COPY OF THE REPORT SUBMITTED BY THE
ASSISTANT EXECUTIVE ENGINEER BEFORE THE
ADDITIONAL DISTRICT MAGISTRATE

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 24941 OF 2011

Dated this the 05th day of January, 2015

JUDGMENT

The electricity transformer or the supply lines have not been installed or drawn under, over, along, across, in or upon the property of the petitioner. It is extremely doubtful therefore as to whether the petitioner could move the second respondent under Section 17 of the Indian Telegraph Act, 1885. Ext. R3(a) photographs produced along with the counter affidavit of the third respondent reflect that the location of transformer does not impede vehicular or pedestrian traffic.

2. The second respondent had called for a report from the third respondent as regards the location of the transformer. Ext. R3(c) report of the third respondent is as follows:-

“As per the instruction I've once again conducted a survey in the nearby place and I couldn't find a place where this transformer can be shifted, without seriously affecting the purpose of proposing this very transformer. As the present location is the “Load centre” energy loss, voltage complaint, as well as interruption will be minimum. Again in this generally narrow road, this is the only area where sufficient place is available for placing the transformer without causing any inconvenience to the complainant as well as public.”

3. All the necessary inputs have been relied on by the second respondent to repel the objection of the petitioner as regards the location of the transformer. The third respondent points out that only the existing electric post has been replaced by the transformer at the same spot without any change. The fact that the petitioner has since shifted his gate as revealed from his own admission in the writ petition does not advance his case.

4. Nothing said herein above will disable the petitioner from moving the Civil Court for appropriate reliefs if there are good and valid grounds for the same. I am not inclined to hold that Ext. P6 order of the second respondent is in any way vitiated warranting the same to be set aside.

The writ petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS