

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 22847 of 2014 (E)

PETITIONER:

P.S.ABOOBACKER, S/O.SULAIMAN,
PONPARATHODIYIL HOUSE,
NEAR RAILWAY STATION, RSW(PO),
WADAKKANCHERY, THRISSUR DISTRICT.

BY ADVS.SRI.P.SANTHOSH (PODUVAL)
SMT.R.RAJITHA
SRI.K.D.SREEVISAKH

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD LTD.,
REP.BY ITS MANAGING DIRECTOR,
VAIDHYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM 695 001.

2. THE EXECUTIVE ENGINEER
ELECTRICAL DIVISION WADAKKANCHERY,
THRISSUR 680 623.

3. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION WADAKKANCHERY,
THRISSUR 680 623.

ADDL.4. THE DEPUTY TAHSILDAR (RR)
THALAPPILLY TALUK,
THRISSUR - 680 001.

ADDL.5. THE DISTRICT COLLECTOR,
THRISSUR 680 001

ADDL.6. STATE OF KERALA REP. BY SECRETARY TO
REVENUE DEPARTMENT, THIRUVANANTHAPURAM 695 001.

ADDL R4 TO R6 ARE IMPEADED AS PER ORDER DATED 06.02.2015 IN IA NO.
1661/2015.

R1-R3 BY ADV. SMT.P.K.RADHIKA-KSEB
BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF NOTICE ISSUED BY 2ND RESPONDENT TO THE PETITIONER DATED 17/11/2006
- EXHIBIT P2 TRUE COPY OF NOTICE ISSUED BY 2ND RESPONDENT DATED 30/3/2009
- EXHIBIT P3 TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER DATED 22/8/2009
- EXHIBIT P4 TRUE COPY OF NOTICE OF ARREARS ISSUED BY 2ND RESPONDENT DATED 12/6/2014
- EXHIBIT P5 TRUE COPY OF THE DEMAND NOTICE UNDER SECTION 7 OF RR ACT DATED 6/8/2014
- EXHIBIT P6 TRUE COPY OF DEMAND PRIOR TO ATTACHMENT OF LAND UNDER SECTION 34 OF RR ACT DATED 6/8/2014
- EXHIBIT P7 TRUE COPY OF THE REPLY RECEIVED FROM THE 2ND RESPONDENT UNDER RIGHT TO INFORMATION ACT ON 26.09.2014.
- EXHIBIT P8 TRUE COPY OF AGREEMENT EXECUTED BY THE PETITIONER WITH THE 2ND RESPONDENT DTD. 03.01.2004.

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R2(a) SERIES TRUE COPIES OF THE NOTICES DATED 27/03/2006, 09/08/2006, 15/01/2007, 22/05/2008, 26/02/2009 & 06/07/2010.
- EXHIBIT R2(b) A TRUE COPY OF THE REQUISITION NOTICE ISSUED BY THE 2ND RESPONDENT DATED 23/07/2014.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 22847 OF 2014

Dated this the 23rd day of March, 2015

JUDGMENT

Clause 9 of Ext.P8 agreement provides for resolution of the dispute. The same is in relation to pole rental charges due to the first respondent. The dispute has to be resolved by the concerned Chief Engineer after notice to the parties.

2. I permit the petitioner to move the concerned Chief Engineer within a period of three weeks from today. Any such motion shall be dealt with as per law within a period of three weeks therefrom. The recovery proceedings evidenced by Exts.P5 and P6 shall be put on hold in the meanwhile.

3. The petitioner will lose the benefit of this judgment if he omits to move the Chief Engineer within the specified time.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd