

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 24202 of 2015 (A)

PETITIONER(S) :

1. MARY THARIAN,
AREECKAL HOUSE, NAYATHODE P.O-683 572, ERNAKULAM DISTRICT.
2. MARY CHERIAN
PYNADATH HOUSE, KARAYAMPARAMBU, KARUKUTTY P.O.
ERNAKULAM DISTRICT-683 576.

BY ADVS.SRI.MATHEW PAUL
SRI.T.K.MOHANAN NAIR
SRI.ABRAHAM VARUGHESE
SRI.ASHISH MOHAN

RESPONDENT(S) :

1. KERALA STATE ELECTRICITY BOARD,
VAIDYUTHI BHAVAN, THIRUVANANTHAPURAM- 695 004,
REPRESENTED BY ITS CHAIRMAN.
2. THE ASSISTANT EXECUTIVE ENGINEER, ELECTRICAL SUB DIVISION,
KERALA STATE ELECTRICITY BOARD, CHENGAMANAD-683 578.
3. THE ASSISTANT ENGINEER, ELECTRICAL SUB DIVISION
KERALA STATE ELECTRICITY BOARD, CHENGAMANAD-683 578,
4. PANKAJAKSHY AMMA,
KIZHAKKE AMBATT, AKAPARAMBU, MEKKAD P.O., PIN-683 589.

* ADDITIONAL R5 IMPEADED

5. THE ADDITIONAL DISTRICT MAGISTRATE,
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, ERNAKULAM, KOCHI- 682 030.

* ADDITIONAL R5 IS IMPEADED AS PER ORDER DATED 08.09.2015 IN
I.A.NO.12766 OF 2015.

R1 TO R3 BY ADV. SRI.SAJEEVKUMAR K.GOPAL, S.C
ADDL.R5 BY GOVERNMENT PLEADER SRI.LIJU.V.STEPHEN
ADV. NAVEEN.T AS ADVOCATE COMMISSIONER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1:** TRUE COPY OF THE TAX PAID RECEIPT IN RESPECT OF THE SAID PROPERTY OF THE 1ST PETITIONER FOR THE YEAR 2013-14.
- EXT.P2:** TRUE COPY OF THE TAX PAID RECEIPT IN RESPECT OF THE SAID PROPERTY OF THE 2ND PETITIONER FOR THE YEAR 2014-15.
- EXT.P3:** TRUE COPY OF THE SKETCH SHOWING THE LIE OF THE PETITIONERS' PROPERTIES AND THE ADJACENT PROPERTIES PREPARED AND PRODUCED BY RETD. SURVEY SUPERINTENDENT IN O.S.NO.341/2004 OF THE MUNSIFF'S COURT, ALUVA.
- EXT.P4:** TRUE COPY OF THE POSSESSION CERTIFICATE PREPARED BY THE VILLAGE OFFICER, NEDUMBASSERY.
- EXT.P5:** TRUE COPY OF THE LETTER DATED 28/10/2014 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.
- EXT.P6:** TRUE COPY OF THE OBJECTION SUBMITTED BY THE 2ND PETITIONER TO THE 3RD RESPONDENT.
- EXT.P7:** TRUE COPY OF THE HEARING NOTICE DATED 11/05/2015 ISSUED BY THE OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM.
- EXT.P8:** TRUE COPY OF THE ROUGH SKETCH SHOWING THE ALTERNATIVE ROUTE FOR DRAWING ELECTRICITY SUPPLY LINE TO THE PROPERTY OF THE 3RD RESPONDENT.
- EXT.P9:** TRUE COPY OF THE LETTER DATED 25/07/2015 PASSED BY THE ADDITIONAL DISTRICT MAGISTRATE, ERNAKULAM.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 24202 of 2015

Dated this the 6th day of October, 2015

JUDGMENT

The challenge in the writ petition is against Ext.P9 order passed by the additional 5th respondent, principally on the ground that the incumbent in the office of the Additional District Magistrate, who had heard the petitioner on the objections against the drawing of an electric line for effecting electric connection to the building of the beneficiaries, was different from the incumbent in the same office, who passed Ext.P9 order. The petitioner therefore, alleges violation of the principles of natural justice while passing Ext.P9 order.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the official respondents as also the learned Standing Counsel appearing for the respondent Board.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of the submission of the learned Government Pleader on instructions, that the incumbent in the Office of the Additional District Magistrate, who passed Ext.P9 order, was different from the

person, who had actually heard the petitioner, I quash Ext.P9 order and direct the additional 5th respondent, to pass fresh orders in the matter, after hearing the petitioner, the officials of the respondent Board and the beneficiaries, within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE