

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WP(C).No.28586 of 2010 (W)

PETITIONER :

RADHA PRABHAKARAN, PULIKKAL HOUSE,
NAMBAZHAKADU.P.O., MATTOM VIA, THRISSUR DISTRICT.

BY ADVS.SRI.DEEPU THANKAN
SMT.G.RANJITA

RESPONDENTS :

1. ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR.
2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB, MUTHUVARA,
THRISSUR DISTRICT.
3. V.K.SASI, VATTAMPARAMBIL HOUSE,
NAMBAZHAKADU.P.O., MATTOM VIA, THRISSUR DISTRICT,
THRISSUR-680602.

R3 BY ADV. SRI.RAJIT
R1 & R2 BY SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
BY GOVERNMENT PLEADER SMT.ROSE MICHAEL
BY SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.28586 of 2010 (W)

APPENDIX

PETITIONER'S EXHIBITS :-

EXT.P1 : COPY OF THE ROUGH SKETCH OF THE AREA.

EXT.P2 : COPY OF THE ORDER OF THE 1st RESPONDENT
DTD.31.8.2010.

RESPONDENTS' EXHIBITS :- NIL.

True copy

P.A to Judge

ANIL K.NARENDRA, J.

W.P.(C).No.28586 of 2010

Dated this the 27th day of February, 2015

JUDGMENT

According to the petitioner, she along with her husband owns 1 acre and 50 cents of land in Kandanassery Grama Panchayat. She has filed this writ petition seeking a writ of certiorari to quash Ext.P2 order passed by the first respondent in exercise of his powers under Section 16(1) of the Indian Telegraph Act, 1885.

2. From the pleadings in the writ petition it appears that the 3rd respondent has applied for an electric connection to his premises with a proposal to draw electric line over the petitioner's property. The petitioner submitted objection and after considering the same the first respondent by Ext.P2 permitted the respondent/Board to draw a weather proof wire through the petitioner's property, in order to give electric connection to the 3rd respondent's premises.

3. By order dated 15.9.2010 this Court granted an interim stay of all further proceedings pursuant to Ext.P2 for a period of two weeks, if electric connection has not been given to the 3rd respondent till that date. The said order was not extended thereafter.

4. I have considered the contentions raised by the petitioner in the writ petition and also heard the learned Standing Counsel for the Kerala State Electricity Board.

5. A perusal of Ext.P2 order passed by the first respondent would show that the proposed line passes through the property jointly owned by the petitioner and her husband. The electric line proposed to be drawn by the Board to the premises of the 3rd respondent is a weather proof line. The first respondent in Ext.P2 has found that, the objection raised by the petitioner that the drawal of electric line will obstruct the passage of her lorries is absolutely without any basis. The first respondent has also found that the alternative route suggested by the petitioner for drawing overhead line require consent from one Smt.Rosy Joseph, over whose property the said line has to be drawn. The order passed by the first respondent shows that, the said Rosy Joseph has not given consent for the drawal of weather proof line. It was in such circumstances the first respondent accepted the proposal made by the respondent/Board for drawing electric line to the premises of the 3rd respondent, with a modification that weather proof wire is to be

drawn in such a way that it should not obstruct the passage of lorries.

I find absolutely no irregularity or illegality in the order passed by the first respondent. A reading of Ext.P2 would show that the direction contained in the said order is only to draw the electric line to the premises of the 3rd respondent, causing only least inconvenience to the petitioner. Therefore there is absolutely no merit in the writ petition and the same is dismissed.

ANIL K.NARENDRA, JUDGE

skj