

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 8TH DAY OF SEPTEMBER 2015/17TH BHADRA, 1937

WP(C).No. 25674 of 2015 (H)

WRIT PETITIONER :

**JACOB THOMAS
S/O.M A THOMAS, AGED 65 YEARS
MULAMOOTTIL HOUSE, KOZHENCHERRY
PATHANAMTHITTA DISTRICT – 689 645.**

**BY ADVS.SRI.ARUN B.VARGHESE
SRI.JAYKAR K.S.
SMT.M.B.DHANYA BABU**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR
PATHANAMTHITTA – 689 645.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE
OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE
PATHANAMTHITTA-689 645.**
- 3. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VYDUTHI BHAVAN
PATTOM, THIRUVANANTHAPURAM-695001**
- 4. THE ASSISTANT EXECUTIVE ENGINEER
KERALA STATE ELECTRICITY BOARD, KOZHENCHERRY
PATHANAMTHITTA DISTRICT - 689645**

**R1 & R2 BY GOVT. PLEADER LIJU V. STEPHEN
R3 & R4 BY ADV. SRI.SAJEEVKUMAR K. GOPAL, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 08-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

WP(C).No. 25674 of 2015 (H)

APPENDIX

PETITIONERS' EXHIBITS :

**EXT. P1:- TRUE COPY OF THE REPRESENTATION DTD. 25/3/2015 SUBMITTED BY
THE WRIT PETITIONER BEFORE THE 4TH RESPONDENT.**

**EXT. P2:- TRUE COPY OF THE COMPLAINT DTD. 8/5/2015 SUBMITTED BY THE
WRIT PETITIONER BEFORE THE FIRST RESPONDENT.**

**EXT. P3:- TRUE COPY OF THE ORDER NO B6-17434/15 DTD. 29/6/2015 ISSUED BY
THE FIRST RESPONDENT.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.25674 of 2015
.....

Dated this the 8th day of September, 2015

J U D G M E N T

The petitioner has approached this Court through the present writ petition aggrieved by the action of the respondent Board in drawing electric lines allegedly through the petitioner's property. The prayer in the writ petition is for a direction to the respondent Board to shift the electric lines and electric post beyond the boundaries of the petitioners property. The petitioner also impugns Ext.P3 communication that was issued to him, pursuant to Ext.P2 representation that he had preferred before the 1st respondent. In Ext.P3 communication of the 1st respondent, the 1st respondent essentially informs the petitioner of the stand taken by the respondent Board that the electric post now installed is at a place where there was an earlier electric post that was fixed, and further, that the post and lines drawn through the post will not go through the property of the petitioner.

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

3. On a consideration of the facts and circumstances of the case

and the submissions made across the bar, I find that, while Ext.P3 is not an order passed by the 1st respondent, in that, it only informs the petitioner of the stand taken by the respondent Board in response to Ext.P2 representation preferred by the petitioner before the 1st respondent, there is a factual dispute as to whether the lines drawn through the post in question will pass through the property of the petitioner or not. I, therefore feel, that it would be in the interest of justice to direct the 2nd respondent to look into the matter and pass appropriate orders after considering Ext.P2 representation of the petitioner. To enable the 2nd respondent to do so, I direct the petitioner to produce a copy of the writ petition along with a copy of the judgment before the 2nd respondent within two weeks from the date of receipt of a copy of this judgment. The 2nd respondent shall cause an inspection to be done of the locality, and pass appropriate orders with regard to the alignment of the electric lines, after hearing the petitioner as well as the respondent Board, and untrammelled by anything stated in Ext.P3 communication of the 1st respondent, within a period of one month thereafter.

The writ petition is disposed as above.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns

