

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDHAN

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 30576 of 2009 (N)

PETITIONER(S) :

**CHOLACKAPULIKKAPARAMBIL MUHAMMED,
S/O.HYDRU, PAKARA, THANALUR AMSOM, DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.**

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S) :

- 1. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM.**
- 2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, K.S.E.B., TIRUR.**
- 3. NANDAMIL MUHAMMED HAJI,
S/O.KUNJU HAJI, PAKARA-THANALLUR AMSOM, DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.**
- 4. C.P.UMMU SALMA, D/O.RAYUTY HAJI,
CHOLACKAPULIKKAPARAMBIL, PAKARA, THANNALUR
AMSOM, DESOM, TIRUR TALUK-MALAPPURAM DISTRICT.**
- 5. C.K.KARAPPAN, S/O.UNNIYERI
CHACKALANKUNNATH VEEDU, OZHUR P.O., TIRUR TALUK,
MALAPPURAM DISTRICT.**

R1 BY GOVERNMENT PLEADER SRI.P.V.ELIAS

R2 BY ADV. SRI.SAJEEVKUMAR K.GOPAL,S.C,

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 28-05-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

WP(C).No. 30576 of 2009 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1: THE TRUE COPY OF THE COMPLAINT FILED BY THE 2ND
RESPONDENT BEFORE THE 1ST RESPONDENT DATED 06.08.2008.**

**EXHIBIT P2: THE TRUE COPY OF THE ROUTE MAP PRODUCED BY
THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT.**

**EXHIBIT P3: THE TRUE COPY OF THE COUNTER FILED BY THE PETITIONER
HEREIN BEFORE THE 1ST RESPONDENT DATED 14.02.2009.**

**EXHIBIT P4: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER
DATED 22.07.2009.**

**EXHIBIT P5: TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT
DATED 21.10.2009.**

EXHIBIT P6: TRUE COPY OF THE ROUGH LOCATION SKETCH.

RESPONDENT(S)' EXHIBITS

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

ANIL K.NARENDRA, J

W.P.(C.)No.30576 Of 2009

DATED THIS THE 28th DAY OF MAY 2015

JUDGMENT

The petitioner who is in possession of 45 cents of land in Sy.No.353/01 of Thanalur Village has filed this Writ Petition seeking a writ of certiorari to quash Ext.P5 order by which the first respondent has permitted the second respondent to draw electric line to the house of the fifth respondent through the petitioner's property.

2. By order dated 28.10.2009, this Court directed the petitioner to produce a sketch showing the proposed route and the alternate route as suggested by the petitioner.

3. Today when the case was taken up for final hearing, the learned Standing Counsel for the KSEB submitted that as early as on 27.10.2009, the electric line in question was energised.

4. I also notice that based on a submission made by the learned counsel for the petitioner that the fifth respondent, who is the beneficiary, is no more, this Court on 27.2.2015 granted the petitioner two weeks' time to implead the legal heirs of the

deceased fifth respondent. Till date no steps have been taken to implead the legal heirs of the deceased fifth respondent. The learned counsel for the petitioner would submit that though he has sent a letter to the petitioner requesting him to furnish the details of the legal heirs of the deceased fifth respondent, he is yet to receive a reply from the petitioner.

In such circumstances, recording the submission made by the learned Standing Counsel for the KSEB that the electric line in question has already been energised on 27.10.2009, this Writ Petition is closed.

Sd/-

ANIL K.NARENDRA, JUDGE

dsn