

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

MONDAY, THE 12TH DAY OF JANUARY 2015/22ND POUSHA, 1936

WP(C).No. 26686 of 2014 (I)

PETITIONER:

ALPHONSA JOSEPH, AGED 64 YEARS,
W/O. JOSEPH, KIZHAKKE PUTHEN VEEDU,
ERAVIPURAM, KOLLAM-691 501.

BY ADV. SRI.M.G.SREEJITH

RESPONDENT:

1. ADDITIONAL DISTRICT MAGISTRATE,
KOLLAM, CIVIL STATION, KOLLAM-691 501.

2. ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
PALLIMUKKU, KOLLAM-691501.

3. ROMEO, KOTTOOR PURAYIDOM,
VAYALIL PURAYIDOM, THEKKUMBHAGOM
ERAVIPURAM, KOLLAM-691501.

R3 BY ADV. SRI.P.R.PREMACHANDREN

R3 BY ADV. SMT.T.S.MAYA (THIYADIL)

R2 BY ADV. SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
BY SENIOR GOVERNMENT PLEADER SRI. S. JAMAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 THE TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER DATED 21-6-2014.
- EXHIBIT P2 THE TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 5-8-14.
- EXHIBIT P3 THE TRUE COPY OF THE ORDER PASSED BY THE PETITIONER DATED 1-10-14.

RESPONDENT(S)' EXHIBITS

- EXHIBIT R2(a) TRUE COPY OF THE SKETCH OF THE ROUTE SUBMITTED BEFORE THE ADDITIONAL DISTRICT MAGISTRATE.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 12th day of January, 2015

JUDGMENT

Ext.P3 order according sanction under Section 16 of the Indian Telegraph Act, 1885 to draw electricity supply line is impugned. The second respondent Assistant Executive Engineer has filed a counter affidavit producing along with it Ext.R2(a) sketch. The same reflects that the route proposed by the Kerala State Electricity Board is the shortest and most feasible too. The route proposed is only 42 metres in length whereas the route suggested by the petitioner is 106 metres in length. Moreover it is seen that the route flows along a pathway about which there is ofcourse a civil suit.

2. It is made clear that Ext.P3 order does not in any way affect the rights over the pathway being agitated in the suit. All the relevant inputs have been considered by the first respondent Additional District Magistrate in passing Ext.P3 order. There is no error in the decision making process and Ext.P3 order does

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not deserve any interference in this jurisdiction. Added to it is the fact that the electricity line has already been drawn and the remedy if any of the petitioner is to move afresh for shifting the same.

The Writ Petition is dismissed.

**V. CHITAMBARESH
JUDGE**

ncd