

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 26979 of 2014 (V)

PETITIONERS:

1. C.K. NEELAKANDAN, S/O. UNNI,
SANNIDHI HOUSE, P.O. MORAYUR-673 642.
2. C.K. APPUNNI, S/O. UNNI,
CHAMBALATHODY HOUSE,
P.O. MORAYUR-673 642.
3. C.K. VELAYUDHAN, S/O. UNNI,
CHELADAMMAL HOUSE,
P.O. MORAYUR - 673 642.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
CIVIL STATION, MALAPPURAM - 676 505.
2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KERALA STATE ELECTRICITY BOARD,
KONDOTTY - 673 638.
3. THE ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
VALLUVAMBARAM - 673 651.
4. C.K. RAJENDRAN, CHAMBALATHODY HOUSE,
P.O. MORAYUR-673 642. MALAPPURAM DISTRICT.
5. C.K. UNNIKRISHNAN, CHAMBALATHODY HOUSE,
P.O. MORAYUR - 673 642, MALAPPURAM DISTRICT.

R4 BY ADV. SRI.BABU S. NAIR

R4 BY ADV. SRI.K.RAKESH

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04-02-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE REPRESENTATION DATED 11-2-2013 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P2 TRUE COPY OF THE LETTER DATED 22-1-2014 OF THE 3RD RESPONDENT TO THE 1ST PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE REPRESENTATION DATED 28-01-2014 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT.
- EXHIBIT P4 TRUE COPY OF THE WRITTEN STATEMENT DATED 17-9-2014 SUBMITTED BY THE 1ST PETITIONER TO THE 1ST RESPONDENT.
- EXHIBIT P5 TRUE COPY OF THE ROUGH SKETCH SHOWING THE OTHER ROUTES,
- EXHIBIT P6 TRUE COPY OF THE ORDER DATED 29-9-2014 OF THE 1ST RESPONDENT (K.DIS 11562/14/E.3)
- EXHIBIT P7 TRUE COPY OF THE LETTER DATED 17.06.2014 OF 1ST RESPONDENT TO THE VILLAGE OFFICER MORAYUR
- EXHIBIT P8 TRUE COPY OF THE LETTER DATED 18.11.2014 OF THE VILLAGE OFFICER MORAYUR TO THE 1ST PETITIONER.
- EXHIBIT P9 TRUE COPY OF THE PLAN SUBMITTED BY THE 4TH RESPONDENT BEFORE THE PANCHAYT TO OBTAIN THE BUILDING PERMIT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 26979 OF 2014

Dated this the 4th day of February, 2015

JUDGMENT

The parties are at variance as to whether there exists a pathway along which the electricity supply line can be drawn. The petitioners rely on the site plan produced by the fifth respondent to obtain building permit from the Marayur Grama Panchayat which allegedly reflects a pathway. The fifth respondent as well as respondents 2 and 3 on the other hand maintain that there exists no pathway along which the electricity supply line could be drawn.

2. There has been a perfunctory consideration of the aspects by the Additional District Magistrate in the instant case in terms of Section 16 of the Indian Telegraph Act. No site inspection is seen done and the Additional District Magistrate has simply accepted the version of respondents 2 and 3 without any further personal verification. I do feel that reconsideration of the issue with notice to all parties would subserve the ends of justice.

WP(C) No. 26979/2014

3. I accordingly quash Ext.P6 order and remit the matter to the first respondent Additional District Magistrate for denovo consideration of the question. Final orders shall be passed by the first respondent after site inspection and affording the parties a reasonable opportunity of being heard within a period of two months from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd