

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. 28048 of 2014 (E)

PETITIONER:

C.R. ANIL, S/O. RAJAN, AGED 32 YRS.,
CHENDRAN HOUSE, THAZHATHARA,
POST THIRUNAVAYA, MALAPPURAM DISTRICT.

BY ADV. SRI. C. M. MOHAMMED IQUABAL

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM, PIN - 676 505.
2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB,
ALATHIYOOR, POST ALATHIYOOR, TIRUR TALUK,
MALAPPURAM DISTRICT, PIN- 676 102.
3. SASIDHARAN, S/O. RAGHAVAN,
VATTAKANDI HOUSE, POST ALATHIYOOR,
TIRUR TALUK, MALAPPURAM DISTRICT, PIN - 676 102.

R3 BY ADV. SRI. S. AJITH (PALAKKAD)

R3 BY ADV. SRI. P. SHAHEEN

R2 BY ADV. SRI. SAJEEVKUMAR K. GOPAL, SC, KSEB

BY ADV. SRI. JAICE JACOB, SC, KSEB

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-01-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- | | |
|--------|--|
| EXT.P1 | THE TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE WIFE OF THE PETITIONER DATED 24.3.2014 |
| EXT.P2 | THE TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER BEFORE THE DEPUTY CHIEF ENGINEER,DATED 22.3.2014 |
| EXT.P3 | THE TRUE COPY OF THE ROUGH SKETCH PREPARED BY THE PETITIONER |
| EXT.P4 | THE TRUE COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT DATED 29.5.2014 |
| EXT.P5 | THE TRUE COPY OF THE ORDER DATED 9.10.2014 ISSUED BY THE 1ST RESPONDENT. |

RESPONDENT(S)' EXHIBITS

- EXHIBIT R2(a) TRUE COPY OF THE ROUGH SKETCH SHOWING THE THREE DIFFERENT ROUTES.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 12th day of January, 2015

JUDGMENT

Ext.P5 order according sanction to draw electricity supply line in terms of Section 16 of the Indian Telegraph Act, 1885 is impugned. Ext.P5 order merely reflects the three proposals suggested by the second respondent and the acceptance of one among them. No reasons have been stated as to why the first proposal is to be accepted ignoring the other proposals suggested by the second respondent.

2. The petitioner has a case that the route GHC is more feasible and straight whereas the route ABC is in a zig zag manner (This is with reference to Ext.R2(a) sketch produced along with the counter affidavit). The mere fact that GHC is a longer route is not a reason enough to reject the second proposal which is acceptable to the petitioner. Other interested parties may have also to be heard in case the route GHC is to be preferred to the route ABC.

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3. I quash Ext.P5 order and remit the matter to the first respondent for reconsideration. The owners of the property along which GHC line is suggested shall also be heard. Final orders shall be passed by the first respondent within a period of two months.

The Writ Petition is disposed of. No costs.

**V. CHITAMBARESH
JUDGE**

ncd