

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 28418 of 2014 (B)

PETITIONER:

ABDUL KAREEM, S/O. MOHAMMED, THAVALENGAL HOUSE,
PUZHAKKATTIRI P. O., PERINTHALMANNA, THROUGH
P. A. HOLDER SRI. ABOOBACKER HAJI, S/O. LATE BAVA,
AGED 64 YEARS, RESIDING AT NOCHILAKATH HOUSE,
PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADVS. SRI. K. R. AVINASH (KUNNATH)
SRI. ABDUL RAOOF PALLIPATH

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE
MALAPPURAM 676505
2. THE ASSISTANT EXECUTIVE ENGINEER
ELECTRICAL SUB DIVISION
KERALA STATE ELECTRICITY BOARD
PERINTHALMANNA-679322, MALAPPURAM DIST.
3. SRI SHAMSUDHEEN, VADAKKETHI VEEDU,
OOTTY ROAD, PERINTHALMANNA-679322
MALAPPURAM DISTRICT.

BY GOVERNMENT PLEADER SRI. T. R. RAJESH
BY SRI. SAJEEVKUMAR K. GOPAL, SC, KSEB
BY SRI. JAICE JACOB, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12-03-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 :- TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DTD 8/8/2012
- EXHIBIT P2 :- TRUE COPY OF THE SKETCH
- EXHIBIT P3 :- TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT
DTD 7/12/2012
- EXHIBIT P4 :- THE TRUE COPY OF THE JUDGMENT IN WPC NO 31348/2012
- EXHIBIT P5 :- TRUE REPORT FILED BY THE ELECTRICAL INSPECTOR
- EXHIBIT P6 :- TRUE COPY OF THE ORDER PASSED BY THE 1ST RESPONDENT
DTD 21/8/2013

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPYO/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 28418 OF 2014

Dated this the 12th day of March, 2015

JUDGMENT

There has been a perfunctory disposal of the case by the first respondent evidenced by Ext.P6 order. The alternate route suggested by the petitioner has not been considered in the proper perspective. The technical feasibility and economic viability ought to have been reflected in the order. The line should be drawn in such a manner that future expansion of the building is not impeded. I do feel that the first respondent has to reconsider the issue with notice to the parties.

2. Ext.P6 order is quashed and the matter remitted to the first respondent. The first respondent shall issue notice to the petitioner and the third respondent afresh. Revised orders shall be passed within a period of two months from today.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**