

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

TUESDAY, THE 16TH DAY OF JUNE 2015/26TH JYAISHTA, 1937

WP(C).No. 31440 of 2011 (D)

PETITIONER:

MAYYERI IBRAHIM HAJI, AGED 65 YEARS,
S/O. KUNHAMMED KUTTY HAJI,
IBSON ITC & COLLEGE OF ENGINEERING,
KALPAKANCHERY, MALAPPURAM DISTRICT.

BY ADV. SRI. K. K. MOHAMED RAVUF

RESPONDENTS:

1. THE KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY 695 001.
2. THE CHIEF VIGILANCE OFFICER
KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN
THIRUVANANTHAPURAM 695 001.
3. THE ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD, KADUNGATHUNDU,
MALAPPURAM DISTRICT - PIN 676 551.

ADDL. 4. FATHIMA SUHARA, W/O. SIDDIK,
KADUNGATHUNDU, KALPAKANCHERRY,
MALAPPURAM DISTRICT PIN 676 551.

ADDL. R4 IS IMPEADED AS PER ORDER IN IA NO. 15484/2012 DTD. 01.12.2012.

R, R1-3 BY ADV. SMT. PK. RADHIKA-KSEB
R1 TO 3 BY ADV. SRI. P. SANTHALINGAM (SR.)
R1 TO 3 BY ADV. SRI. S. SHARAN, SC, K.S.E. BOARD
R BY SRI. K. M. SATHYANATHA MENON, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS

- EXT.P1 TRUE COPY OF THE PROSPECTUS.
- EXT.P2 TRUE COPY OF THE RELEVANT EXTRACT OF THE APPROVAL OF NOORKA ROOTS.
- EXT.P3 TRUE COPY OF THE REPORT OF THE 3RD RESPONDENT.
- EXT.P4 TRUE COPY OF THE NOTICE DT.23.11.2011 OF THE 3RD RESPONDENTS
- EXT.P5 TRUE COPY OF THE LETTER DT.19.11.2011 OF THE 2ND RESPONDENT..

RESPONDENTS' EXHIBITS

- EXHIBIT R1(a) A TRUE COPY OF THE REPORT DATED 02/11/2011 SUBMITTED BY AJI V.S., SY. SUPDT. OF POLICE, VIGILANCE OFFICER TO THE CHIEF VIGILANCE OFFICER, KSE BOARD, THIRUVANANTHAPURAM
- EXHIBIT R1(b) A TRUE COPY OF THE COMMUNICATION DATED 05.01.2010 ISSUED BY THE ASST. ENVIRONMENTAL ENGINEER TO SHRI. IBRAHIM HAJI, MAYYERI HOUSE, VALAVANNUR P.O.
- EXHIBIT R1(c) A TRUE COPY OF THE LETTER DATED 03/11/2009 ISSUED BY TOWN PLANNER, MALAPPURAM TO THE GOVT. SECRETARY, LSD, SECRETARIATE, TRIVANDRUM.
- EXHIBIT R1(d) A TRUE COPY OF THE ORDER DATED 28.12.2009 ISSUED BY KALPAKANCHERRY GRAMA PANCHAYAT.
- EXHIBIT R1(e) A TRUE COPY OF THE ORDER DATED 19/05/2011 ISSUED BY KALPAKANCHERRY GRAMA PANCHAYAT.

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

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Dated this the 16th day of June, 2015

JUDGMENT

Ext.P4 order directs disconnection of electricity supply to the petitioner. The same is allegedly on the basis of Ext.P5 letter issued by the Chief Vigilance Officer. The Chief Vigilance Officer was prompted to issue such letter on the basis of Exts.R1(a) report of the Vigilance Officer. The petitioner contends that he was not heard at any point of time either by the Vigilance Officer or the Chief Vigilance Officer or the Assistant Engineer.

2. The real question is whether the construction for which electricity supply was given is authorised or not. Ext.P4 order can as well be treated as show cause notice by the petitioner. The petitioner is free to file an objection to the same within a period of one month from today. The petitioner as well as the additional fourth respondent (who is the complainant) shall be heard in the exercise.

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3. Final orders shall be passed within a period of two months from today. The electricity connection to the petitioner shall not be snapped in the meanwhile. The decision shall be taken on merit untrammelled by the directions given in Ext.P5 letter.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**

ncd