

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 28678 of 2014 (H)  
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PETITIONER(S):  
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JOYCY JOY, AGED 55 YEARS,  
W/O LATE P.V. JOY, MANAGING PARTNER, SAKTHI CERAMICS  
ERIPPODE P.O, ALAGAPPA NAGAR, THRISSUR DISTRICT 680302

BY ADV. SRI.RAJIT

RESPONDENT(S):  
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1. ADDITIONAL DISTRICT MAGISTRATE / REVENUE DIVISIONAL OFFICER,  
THRISSUR, COLLECTORATE, AYYANTHOLE  
THRISSUR - 680 001
2. THE ASSISTANT EXECUTIVE ENGINEER,  
T.C SUB DIVISION, NADAVARAMBU P.O, IRINJALAKUDA  
THRISSUR DISTRICT - 680 305

R2 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB  
R(ADVOCATE COMMISSIONER) BY ADV. SMT.S.AMBILY  
R BY GOVERNMENT PLEADER SRI.T.R.RAJESH.  
R BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE PHOTOGRAPH SHOWING THE PROPERTY OF THE PETITIONER ALONG WITH THE CLAY DEPOSIT

EXHIBIT P2 TRUE COPY OF THE PROPOSAL SUBMITTED BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT

EXHIBIT P3 TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 09-03-2011

EXHIBIT P4 TRUE COPY OF THE ORDER NO C4/SR/ET/39/2011-K-DIS DATED 31-01-2014

EXHIBIT P5 TRUE COPY OF THE PROPOSAL SUBMITTED BY THE PETITIONER

EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 20-10-2013

EXHIBIT P6(a) TRUE COPY OF THE SKETCH APPROVED BY THE KSEB.

EXHIBIT P7 TRUE COPY OF THE ESTIMATE GIVEN BY THE KSEB FOR SHIFTING OF THE 11 KV LINE.

EXHIBIT P8 TRUE COPY OF THE APPROVAL FOR SHIFTING OF THE LINE ISSUED BY THE KSEB.

EXHIBIT P9 TRUE COPY OF THE RECEIPT SHOWING REMITTANCE OF THE SHIFTING CHARGES.

EXHIBIT P10 THE PHOTOGRAPH SHOWING THE PRESENT LOCATION OF WHERE TOWER NO.12 IS PROPOSED.

EXHIBIT P11 THE PHOTOGRAPH SHOWING PRESENT LOCATION OF WHERE TOWER NO.13 IS PROPOSED.

EXHIBIT P12 THE PHOTOGRAPH SHOWING PRESENT LOCATION OF WHERE TOWER NO.14 IS PROPOSED.

RESPONDENT(S)' EXHIBITS

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- EXT.R2(a) PHOTOGRAPH SHOWING THE HEAP OF CLAY STORED IN THE CLAY YEARD OF THE PETITIONER.
- EXT.R2(b) TRUE COPY OF THE SKETCH SHOWING THE APPROVED 110 KV ROUTE AND THE ROUTE PROPOSED BY THE PETITIONER.
- EXT.R2(c) TRUE COPY OF THE LIST OF NAME OF 19 LAND OWNERS.
- EXT.R2(d) TRUE COPY OF THE DETAILED SKETCH OF LINE ROUTE SHOWING LOCATION 13 AND 14
- EXT.R2(e) TRUE COPY OF THE SKETCH SHOWING THE ALTERNATE ROUTE PROPOSED BY THE PETITIONERS.
- EXT.R2(f) GOOGLE MAP OF THE AREA OF THE PETITIONER.
- EXT.R2(g) PHOTOGRAPH SHOWING THE CLAY HEAP AS CLAIMED BY THE PETITIONER IN THE WRIT PETITION.
- EXT.R2(h) PHOTOGRAPH SHOWING THE REAR SIDE OF THE PROPERTY OF THE PETITIONER.
- EXT.R2(i) TRUE COPY OF THE BASIC TAX REGISTER MAINTAINED IN THE VILLAGE OFFICE AMBALLUR.
- EXT.R2(j) TRUE COPY OF THE PAGE CONTAINING PART I OF IS 802 CODE OF PRACTICE.
- EXT.R2(k) TRUE COPY OF TOWER SCHEDULE OF 110 KV DC LINE TO PUTHUKKAD SUBSTATION

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

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W.P (C) No.28678 of 2014  
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Dated this the 16<sup>th</sup> day of January, 2015

J U D G M E N T

Ext.P4 order passed in terms of Section 16 of the Indian Telegraph Act is impugned. Ext.P4 was passed as early as on 31.1.2014. But this writ petition was filed only as later as on 30.10.2014. By that time substantial portion of the work of drawing 110 KV line was over. It is reported that only 3 towers remain to be erected out of the total number of 15 towers.

2. An Advocate Commissioner was deputed by this Court who has filed a detailed report and plan. The plan depicts that the route suggested by the Kerala State Electricity Board is the most feasible. There already exists a 66 KV line and the 110 KV line is being drawn close to it. Moreover the route suggested and accepted by the first respondent does not cross any building occupied by persons.

3. The apprehension of the petitioner as regards the low level of 110 KV line is misplaced in view of the averment in the counter affidavit. Paragraph 16 of the counter affidavit dated 12.11.2014

of the second respondent is as follows:-

“16. It is true that the petitioner expressed his concern over the line crossing his property. It is submitted that the statutory vertical clearance for drawing 110 KV line is 6.5 meters. But considering the request of the petitioner the height of the line, while passing through his property is increased by providing additional 3.0 meters extension to the standard 110 KV tower. Therefore the bottom conductor at location-13 will be strung at a height of 13.36 meters. Furthermore the location-14 will be provided with a multi circuit tower, the bottom conductor will be strung at height of 24.5 meter. So the line will be crossing the plot with very good clearance after the sag of the conductor. Therefore the work can be continued in the yard after observing minimum caution.”

4. I am not prepared to hold that Ext.P4 order is bad in law notwithstanding the vehement arguments of the petitioner in that regard. The first respondent has taken into consideration all the relevant aspects while passing Ext.P4 order. The report of the Advocate Commissioner deputed by this Court fully endorses the view taken by the first respondent. No interference is

called for especially when substantial portion of the work is complete.

The writ Petition is dismissed.

Sd/-  
V.CHITAMBARESH,  
Judge.

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