

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 28717 of 2014 (L)

PETITIONER:

SASIDHARAN PILLAI, AGED 48 YEARS,
S/O. RAMAN PILLAI, MAROTTIYIL HOUSE,
KULASEKHARAMANGALAM P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT PIN-686 608.

BY ADVS. SRI. V. M. KURIAN
SRI. MATHEW B. KURIAN
SRI. K. T. THOMAS
SRI. C. N. SREEKUMAR

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, KOTTAYAM-686 001.
2. KERALA STATE ELECTRICITY BOARD,
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM PIN-695001,
REP BY ITS SECRETARY.
3. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL SUB DIVISION, VAIKOM P.O.,
VAIKOM-686 141, KOTTAYAM DISTRICT.
4. MOHANAN PILLAI, AISWARYA,
KULASEKHARAMANGALAM P O, VAIKOM TALUK,
KOTTAYAM DISTRICT, PINCODE-686 608.

R2, R3 BY ADV. SRI. SAJEEVKUMAR K. GOPAL, SC, KSEB
R4 BY ADV. SRI. G. SREEKUMAR (CHELUR)
BY SENIOR GOVERNMENT PLEADER SRI. S. JAMAL
BY SRI. K. M. SATHYANATHA MENON, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 :- TRUE COPY OF THE SETTLEMENT DEED NO 226 OF 2006
- EXHIBIT P2 :- TRUE COPY OF THE WILL DEED NO 14 OF 2006
- EXHIBIT P3 :- TRUE COPY OF THE BASIC TAX RECEIPT DTD 10/9/2014 FOR THE YEAR 2014-2015
- EXHIBIT P4 :- TRUE COPY OF THE ROUGH SKETCH PREPARED BY THE PETITIONER SHOWING THE LIE AND NATURE OF THE PROPERTY
- EXHIBIT P5 :- TRUE COPY OF THE WRIT PETITION NO 687/2013 FILED BY THE 4TH RESPONDENT
- EXHIBIT P6 :- TRUE COPY OF THE ORDER DTD 14/10/2014 PASSED BY THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R4(a) - A TRUE COPY OF THE SKETCH PREPARED BY THE FOURTH RESPONDENT DATED NIL.
- EXHIBIT R4(b) - A TRUE COPY OF THE AGREEMENT DATED 14.10.2009 EXECUTED BETWEEN THE PETITIONER AND THE FOURTH RESPONDENT
- EXHIBIT R4(c) - A TRUE COPY OF THE COMMUNICATION DATED 20.10.2012 OF THE ASSISTANT ENGINEER, ELECTRICAL SECTION, CHEMBUR
- EXHIBIT R4(d) - A TRUE COPY OF THE DEMAND NOTICE ON THE PETITIONER DATED 04.11.2014.

/TRUE COPY

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 28717 OF 2014

Dated this the 15th day of January, 2015

JUDGMENT

I am glad to note that the petitioner and the fourth respondent (who are siblings) have arrived at a consensus at least in regard to the shifting of electricity supply line. It is agreed that the line can be shifted to the southern boundary of the property of the fourth respondent (within the compound wall) for which the existing position of the electric post shall also be changed.

2. The electricity line shall be drawn as close to the compound wall as possible without encroaching into the pathway over which the petitioner allegedly claims a right of easement. The expenses for shifting the electricity line and erecting the post shall be borne by the petitioner and the fourth respondent in equal shares. Respondents 2 and 3 shall complete the task without further delay and Ext.P6 order passed by the first respondent is modified accordingly.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**