

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

FRIDAY, THE 30TH DAY OF JANUARY 2015/10TH MAGHA, 1936

WP(C).No. 28998 of 2014 (Y)

PETITIONERS:

- 1. SAKEER.P.A**
S/O.ABDUL RAHIMAN, PILAPPILLY HOUSE, VIDAKUZHA
THAIKKATTUKARA P.O, ALUVA 683106
- 2. ALIYAR N.A**
S/O.ABDUL RAHIMAN, NAMBATTUNADA HOUSE, VIDAKUZHA
THAIKKATTUKARA P.O, ALUVA 683106
- 3. G.GOPAKUMAR**
S/O.GANGADHARAN NAIR, NAMBATTILPARAMBU HOUSE , VIDAKUZHA
THAIKKATTUKARA P.O, ALUVA 683106
- 4. TITUS M.A**
S/O.ANTONY, MATHIRAPALLY HOUSE, VIDAKUZHA
THAIKKATTUKARA P.O, ALUVA 683106
- 5. NAVAS C.K**
S/O.KHADER, CHENAMPALLY HOUSE, VIDAKUZHA
THAIKKATTUKARA P.O, ALUVA 683106

BY ADVS.SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE
SMT.ACHU SUBHA ABRAHAM

RESPONDENTS:

- 1. THE ADDITIONAL DISTRICT MAGISTRATE**
ERNAKULAM 682 028
- 2. THE ASSISTANT EXECUTIVE ENGINEER**
KERALA STATE ELECTRICITY BOARD
ELECTRICAL SUB DIVISION, ALUVA 683101
- 3. SOUTHERN TRANSPORT COMPANY**
REPRESENTED BY ITS MANAGER, VIDAKUZHA
THAIKKATTUKARA P.O, ALUVA 683106

WP(C).No. 28998 of 2014 (Y)

- 4. AZEES K.P**
KIDANGATH HOUSE, VIDAKUZHA, THAIKKATTUKARA P.O
ALUVA 683106
 - 5. RAJAPPAN NAIR, MANAKKATHAZATH**
HOUSE,VIDAKUZHA,THAIKKATTUKARA P.O,ALUVA 683106
 - 6. ABRAHAM JOSEPH K, CHELIPPALLIL HOUSE**
VIDAKUZHA,THAIKKATTUKARA P.O,ALUVA 683106
 - 7. E.A RAJAN**
SJITHA NIVAS, VIDAKUZHA, THAIKKATTUKARA P.O
ALUVA 683106
 - 8. M.K KAIMAL**
MENTHRAKKAL HOUSE, VIDAKUZHA, THAIKKATTUKARA P.O
ALUVA 683106
- R1 BY GOVERNMENT PLEADER SRI. T.R. RAJESH**
R2 BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
R2 BY ADV. SRI.K.M.SATHYANATHA MENON, SC, KSEB
R3 TO R8 BY ADVS. SRI.MILLU DANDAPANI
SRI.PREMCHAND R.NAIR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 TRUE COPY OF NOTICE M5-86150/13 ISSUED BY THE 1ST
RESPONDENT DATED 26-08-2014**
- EXHIBIT P2 TRUE COPY OF ORDER NO K.DIS/86150/2013/M5 ISSUED BY THE 1ST
RESPONDENT DATED 17-01-2010**
- EXHIBIT P3 TRUE COPY OF THE ROUGH SKETCH PREPARED BY THE
PETITIONERS DATED NIL**

RESPONDENT(S)' EXHIBITS:-

- EXHIBIT R2(a) TRUE COPY OF THE CERTIFICATE DATED 29.11.2014 ALONG
WITH THE SKETCH ISSUED BY THE MUNICIPAL COUNCIL,
KALAMASSERY**
- EXHIBIT R3(b) TRUE COPY OF THE PHOTOS SHOWING THE VIEW OF THE
ROAD ON A SEQUENCE MANNER FROM AMPALAPPADY TO
VIDAKKUZHA JUNCTION ALONG WITH GOOGLE MAP**
- EXHIBIT R3(c) TRUE COPY OF THE MASS REPRESENTATION DATED
11.11.2012 PREFERRED BY THE RESIDENTS AND OTHER
BENEFICIARIES OBTAINED UNDER RIGHT TO
INFORMATION ACT**
- EXHIBIT R3(d) TRUE COPY OF THE RECEIPTS NOS. 373312, 373313 & 373314
DATED 19.08.2013 ISSUED BY THE 2ND RESPONDENT**
- EXHIBIT R3(e) TRUE COPY OF THE COMPLAINT PREFERRED BY SRI. P.S.
SASIDHARAN, CONTRACTOR TO THE 2ND RESPONDENT**
- EXHIBIT R3(f) TRUE COPY OF THE NOTICE NO. M5-86150/2013 DATED
20.01.2014 ISSUED FROM COLLECTORATE, ERNAKULAM**
- EXHIBIT R3(g) TRUE COY OF THE APPLICATION DATED 29.11.2014
PREFERRED BY THE 6TH RESPONDENT ALONG WITH ITS
REPLY DATED 10.12.2014 BY SR. SUPERINTENDENT, PUBLIC
INFORMATION OFFICER, ELECTRICAL SECTION, ALUVA
NORTH**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 28998 OF 2014

Dated this the 30th day of January, 2015

JUDGMENT

There already exists a Low Tension electricity supply line along the route proposed by the Kerala State Electricity Board. The present endeavour is to replace the existing 8 meter poles with 9 metre poles along the same route and draw a 11 KV line providing sufficient vertical and horizontal clearance. After all the route proposed is along a public road and the petitioners who are residents far away will not be affected by the drawing of electricity line. It would suffice if it is made clear that no stay wire shall be erected in the private property of the petitioners or other residents and that the line shall be drawn in such a manner that pedestrian and vehicular traffic is not impeded.

2. All the relevant inputs have been considered by the Additional District Magistrate in granting sanction under Section 16 of the Indian Telegraph Act, 1885 by Ext.P2 order. The route approved by the Additional District Magistrate is technically feasible and will entail less expenditure than the route suggested by the petitioners. Moreover respondents 3 to 8 have already remitted the amount and the erection of the

electric post was midway even before the writ petition was filed. I do not think that any case has been made out to interfere with Ext. P2 order in the exercise of the jurisdiction under Article 226 of the Constitution of India.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS