

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 29186 of 2014 (W)

PETITIONER(S)/PETITIONERS:-:

1. K.H.ABDUL GAFOOR, AGED 50 YEARS
S/O.HYDER, KOTTAPURATH HOUSE, P.O.PATTAMBI
PALAKKAD DISTRICT.
2. P.RAZIA, AGED 46 YEARS
W/O.V.FAIZAL, 'JASMIN HOUSE', P.O.FAROOK PETTA
FAROOK AMSOM AND DESOM, KOZHIKODE TALUK
KOZHIKODE DISTRICT.
3. WE FOUR TRADING,
REPRESENTED BY ITS PARTNER K.H.ABDUL GAFOOR
AARAYIDATHU PALAM, MAVOOR ROAD, CALICUT.

BY ADV. SRI.C.P.MOHAMMED NIAS

RESPONDENT(S)/RESPONDENTS:-:

1. KOZHIKODE DISTRICT LORRY OPERATORS CO-OPERATIVE
SOCIETY LIMITED,
NO.D 2026, REPRESENTED BY ITS SECRETARY
NADAKKAVU CROSS ROAD, KOZHIKODE - 673 011.
2. DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD
OFFICE OF THE DEPUTY CHIEF ENGINEER
ELECTRICAL CIRCLE, KOZHIKODE, VYDYUTHI BHAVANAM
GANDHI ROAD, KOZHIKODE - 673 011.
3. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
POTTAMMAL, KOZHIKODE - 673 001.

R-R1 BY ADV. SRI.P.V.KUNHIKRISHNAN
R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
13-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1. TRUE COPY OF THE AGREEMENT DATED 16.08.2008 EXECUTED
BETWEEN THE PETITIONERS AND 1ST RESPONDENT.

EXHIBIT P2. TRUE COPY OF THE BUILDING PERMIT DATED 22.04.2009 ISSUED BY
KOZHIKODE CORPORATION IN FAVOUR OF THE 1ST RESPONDENT.

EXHIBIT P3. TRUE COPY OF THE LICENCE AGREEMENT DATED 29.09.2009 EXECUTED
BY THE 1ST RESPONDENT IN FAVOUR OF THE PETITIONERS.

EXHIBIT P4. TRUE COPY OF THE LICENCE AGREEMENT DATED 31.08.2010 EXECUTED
BY THE 1ST RESPONDENT IN FAVOUR OF THE PETITIONERS.

EXHIBIT P5. TRUE COPY OF THE LETTER DATED 23.01.2012 SENT BY THE 1ST
RESPONDENT TO THE PETITIONERS.

EXHIBIT P6. TRUE COPY OF THE ORDER OF ASSESSMENT UNDER THE KERALA
BUILDING TAX ACT DATED 13.01.2012 SERVED ON THE 1ST
RESPONDENT.

EXHIBIT P7. TRUE COPY OF THE LICENCE AGREEMENT DATED 01.06.2013 EXECUTED
BY THE 1ST RESPONDENT IN FAVOUR OF THE PETITIONERS.

EXHIBIT P8. TRUE COPY OF THE LETTER DATED 29.04.2012 SENT TO THE
PETITIONERS BY THE 1ST RESPONDENT.

EXHIBIT P9. TRUE COPY OF THE PARTNERSHIP DEED DATED 01.10.2011 EXECUTED
BETWEEN THE PETITIONERS AND NIYAS A.U.

EXHIBIT P10. TRUE COPY OF THE CERTIFICATE DATED 16.11.2011 ISSUED BY THE
1ST RESPONDENT IN FAVOUR OF THE PETITIONERS.

EXHIBIT P11. COPIES OF PHOTOGRAPHS SHOWING THE ESTABLISHMENT OF LAMIYA
SILKS AND CHICKKING FOODS.

EXHIBIT P12. TRUE COPY OF THE CERTIFICATE DATED 05.03.2012 ISSUED IN
FAVOUR OF THE PETITIONERS BY THE 1ST RESPONDENT.

EXHIBIT P13. TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONERS
FOR GETTING HT CONNECTION.

EXHIBIT P14. TRUE COPY OF THE ORDER DATED 11.12.2013 ISSUED BY THE 2ND
RESPONDENT TO M/S CHICKKING.

: 2 :

EXHIBIT P15. TRUE COPY OF THE REGISTERED NOTICE DATED 15.05.2014 SENT BY THE 1ST RESPONDENT TO THE PETITIONERS.

EXHIBIT P16. TRUE COPY OF THE REPLY NOTICE DATED 24.06.2014 SENT ON BEHALF OF THE PETITIONERS TO THE 1ST RESPONDENT.

EXHIBIT P17. TRUE COPY OF THE ORDER DATED 18.07.2014 ISSUED BY THE 2ND RESPONDENT.

EXHIBIT P18. TRUE COPY OF THE LETTER DATED 27.08.2014 SENT BY THE 1ST RESPONDENT TO THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//True copy//

P.S. to Judge.

V.CHITAMBARESH, J.

W.P (C) No.29186 of 2014

Dated this the 13th day of July, 2015

J U D G M E N T

The first respondent has filed an additional affidavit dated 10.7.2015 in this writ petition. Para 3 of the said affidavit is as follows:-

“3. The deponent Society already gave consent for getting Electricity connection in the name of the 3rd petitioner in the above Writ Petition. It is understood that the Electricity Board already processed the Electricity connection application in the name of the 3rd petitioner. In light of the same, the Writ Petition is infructuous and the same may be closed recording this affidavit.”

The Electricity connection in the name of the third petitioner is being processed in view of the consent given by the first respondent. Steps in that regard shall be expedited and the proceedings taken to a logical end.

The Writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.