

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. 29231 of 2014 (D)

PETITIONERS:

1. VALSALA,
THUNDIL VEEDU, VAZHIKKVILAKAM, THACHOORKUNNU
AVANAVANCHERY.P.O., PIN-695103.
2. LEELA,
THUNDIL VEEDU, VAZHIKKVILAKAM, THACHOORKUNNU
AVANAVANCHERY.P.O., PIN-695103.
3. BINDHU,
PUTHUVANVILA, PUTHERNVEEDU, THACHOORKUNNU
AVANAVANCHERY.P.O., PIN-695103.

BY ADV. SRI.M.S.UNNIKRISHNAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR
COLLECTORATE, KUDAPANAKKUNNU,
THIRUVANANTHAPURAM - 695 104
2. THE ADDITIONAL DISTRICT MAGISTRATE,
THIRUVANANTHAPURAM - 695 002
3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, ATTINGAL - 695 107
4. SINI,
SHALOM BHAVAN, THACHOORKUNNU, AVANAVANCHERY.P.O.
THIRUVANANTHAPURAM-695103.

R1 & R2 BY SR. GOVERNMENT PLEADER SRI. S. JAMAL
R3 BY SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
R4 BY ADVS. SRI.LIJU. M.P
SRI.A.SABEER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

DCS

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. TRUE COPY OF THE ROUGH SKETCH SHOWING THE LIE OF THE PROPERTY.**
- P2. TRUE COPY OF THE NOTICE DATED 21-8-2014 ISSUED TO THE RESPONDENTS 1 AND 2**
- P3. TRUE COPY OF THE OBJECTION FILED BY THE 2ND PETITIONER ALONG WITH OTHERS BEFORE THE 1ST RESPONDENT.**
- P4. TRUE COPY OF THE PETITION FILED BY THE 3RD PETITIONER BEFORE THE 3RD RESPONDENT DATED 16-9-2014.**
- P5. TRUE COPY OF THE NOTICE DATED 20-9-2014 ISSUED TO THE 3RD RESPONDENT.**
- P6. TRUE COPY OF THE INTERIM ORDER WPC NO. 27435 OF 2014 DATED 21-10-2014.**
- P7. TRUE COPY OF THE ORDER DATED 13-10-2014 PASSED BY THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:-

- R4(a) TRUE COPY OF THE SKETCH PREPARED BY THE 3RD RESPONDENT SHOWING THE PROPOSED ELECTRIC LINE**
- R4(b) TRUE PHOTOGRAPHS OF THE AREA.**

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 29231 OF 2014

Dated this the 16th day of January, 2015

JUDGMENT

Ext. P7 order passed in terms of Section 16 of the Indian Telegraph Act, 1885 is impugned. The sketch prepared by the third respondent has been made available along with the files. The route proposed 'AB' does not cross the property of the petitioners. The alternate route suggested 'PQRST' is circuitous.

2. Only 20 metres weather proof line need be drawn along the route 'AB'. But 20 metres over head line and 12 metres weather proof line is necessary for the route 'PQRST'. Moreover three posts are required along the route 'PQRST' whereas no additional post is required for the route 'AB'.

3. The second respondent has exercised the jurisdiction vested in him properly after considering the relevant inputs. It shall be ensured that the line is drawn along the route 'AB' over a pathway and does not cross the property

of the petitioners. Ext. P7 order does not warrant interference in exercise of the writ jurisdiction.

The writ petition is dismissed. No costs.

**V. CHITAMBARESH
JUDGE**

DCS