

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C).No. 32255 of 2013 (F)

PETITIONER(S):

SASIKALA DEVI
LEKSHMI NILAYAM (POIKAVILA) PANDAKASALA
ALATHARAMOODU P.O., CHIRAYINKIL, THIRUVANANTHAPURAM.

BY ADV. SRI.UNNI. K.K. (EZHUMATTOOR)

RESPONDENT(S):

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VAIDHUTHI BHAVAN
THIRUVANANTHAPURAM 695 004
2. ASST.EXECUTIVE ENGINEER
OFFICE OF ASST.EXE.ENGINEER, ELECTRICAL SUB DIVISION
KADAKKAVOOR, THIRUVANANTHAPURAM - 695 036
3. ASST.ENGINEER
ELECTRICAL SECTION
CHIRAYINKEEZHU, THIRUVANANTHAPURAM 695 034
4. ADDITIONAL DISTRICT MAGISTRATE
THIRUVANANTHAPURAM 695 001
5. INDIRA SOMAN
SREE LAKSHMI, PANDAKASALA
ALHARAMOODU P.O., CHIRAYINKIL
THIRUVANANTHAPURAM -695 302.

R5 BY ADV. SRI.M.R.SARIN
R1-R3 BY ADV. SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB
R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.
R BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE COPY OF THE ELECTRICITY BILL FOR THE MONTH OF SEPTEMBER 2013
- EXT.P-2: TRUE COPY OF THE APPLICATION MADE TO THE SECRETARY, CHIRAYINKIL PANCHAYATH
- EXT.P-3: TRUE COPY OF THE COPY OF THE NOTICE DATED 6.11.2013 ISSUED BY THE DISTRICT COLLECTOR.
- EXT.P-4: TRUE COPY OF THE OBJECTION DATED 27.11.2013
- EXT.P-5: TRUE COPY OF THE APPLICATION DATED 23.11.2013 SUBMITTED BY THE PETITIONER.
- EXT.P-6: TRUE COPY OF THE APPLICATION DATED 16.12.2013 SUBMITTED BY THE PETITIONER
- EXT.P-7: TRUE COPY OF THE ORDER DATED 10.12.2013 OF THE 4TH RESPONDENT WHICH WAS RECEIVED BY THE PETITIONER ON 18.12.2013
- EXT.P-8: TRUE COPY OF THE NOTICE ISSUED BY THE 3RD RESPONDENT.

RESPONDENT(S)' EXHIBITS :

- ANNEXURE R2(a) TRUE COPY OF THE CONSENT OF PROPERTY CROSSING.
- EXT.R5(1) TRUE COPY OF SALE DEED EXECUTED BETWEEN ANIL KUMAR AND THE 5TH RESPONDENT DATED 8.6.2001.
- EXT.R5(2) TRUE COPIES OF PHOTOGRAPH SHOWING THE PRESENT SITUATION OF THE PETITIONER'S PROPERTY.
- EXT.R5(3) TRUE COPIES OF PHOTOGRAPH SHOWING THE PRESENT SITUATION OF THE PETITIONER'S PROPERTY.
- EXT.R5(4) TRUE COPIES OF PHOTOGRAPH SHOWING THE PRESENT SITUATION OF THE PETITIONER'S PROPERTY.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.32255 of 2013

Dated this the 5th day of February, 2015

J U D G M E N T

The electricity supply line now passes over the property of the fifth respondent. The same is being shifted along a pathway on the side of the property. The nature of the right over the pathway is alien for consideration in this writ petition. The electricity supply line is reportedly in a dangerous condition.

2. The dispute essentially pertains to the incurring of the expenditure for shifting. A consensus has now been arrived at between the petitioner and the fifth respondent in this regard. Both of them agree to share the total sum of ₹ 11,000/- equally. The amount shall be remitted with the second respondent on or before 20.2.2015.

3. The second respondent is empowered to snap the electricity supply to the petitioner and the fifth respondent if any default is committed. It is clarified that the right over the pathway is left open to be adjudicated by the Civil Court.

The writ Petition is disposed of. No costs.

Sd/-
V.CHITAMBARESH,
Judge.

nj.