

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 30TH DAY OF SEPTEMBER 2015/8TH ASWINA, 1937

WP(C).No. 29663 of 2015 (G)

PETITIONER(S):

**C.M JEENS, AGED 39 YEARS,
S/O.C.P.MUHAMMED, CHERUPURATH HOUSE, IRUMALAPPADY,
KOTHAMANGALAM, ERNAKULAM DISTRICT.**

BY ADV. SRI.S.JIJI

RESPONDENT(S):

- 1. KANNAN DEVAN HILLS PLANTATION CO. LTD,
MUNNAR, REPRESENTED BY ITS GENERAL MANAGER,
K.D.H.P.HOUSE, MUNNAR, IDUKKI-685612.**
- 2. THE MANAGER-ENGINEERING,
K.D.H.P.HOUSE, MUNNAR, IDUKKI-685612.**
- 3. KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM, PIN-695004.**

R3 BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 29663 of 2015 (G)

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE POSSESSION CERTIFICATE ISSUED BY THE K.D.H.VILLAGE OFFICER DATED 18/8/15**
- P2: COPY OF THE B.T.RECEIPT DATED 11/6/2015**
- P3: COPY OF BUILDING OWNERSHIP CERTIFICATE ISSUED FROM THE MUNNAR GRAMA PANCHAYATH OFFICE DATED 21/8/15**
- P4: COPY OF THE LETTER DATED 2/9/15 ISSUED BY THE R2.**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.

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W.P.(C).No.29663 of 2015

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Dated this the 30th day of September, 2015

J U D G M E N T

The petitioner is aggrieved by the stand of the 1st respondent, who is a licensee of the 3rd respondent for supply of electricity to consumers in Munnar Grama Panchayath, that no electric connection can be given to the petitioner's building which is situated in Survey.No.61/6 of KDH village in Devikulam Taluk. The stand of the 1st respondent is premised on the fact that there is an order of status quo passed by the Supreme Court in an appeal filed by the State of Kerala against orders passed by this Court, in which the Supreme Court has directed the maintenance of status quo. I note in this connection that similar matters have come up for consideration before this Court and in W.P.(C).No.29836 of 2013, a single judge of this Court, by judgment dated 16.01.2014, disposed the writ petition directing the respondents to provide electric connection to the petitioner's building on the basis of the application submitted, provided the petitioner satisfies the other eligibility conditions and complies with the necessary procedural formalities. Taking cue from the said judgment, I dispose the present writ petition directing the respondents to provide electric connection to the petitioner's building on the basis of the application submitted by the petitioner provided the petitioner

complies with all the statutory requirements and procedural formalities in connection with the same. If the petitioner is found eligible, in accordance with the statutory provision, for the electric connection, the same shall be provided to the petitioner within a period of two weeks from the date of receipt of a copy of this judgment. It is made clear that, the grant of electric connection to the petitioner will not be construed as pronouncing on the legality of the construction put up by the petitioner and the same will be subject to the result of the proceedings pending before the Supreme Court.

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns