

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

W.P.(C).No.29909 of 2015 (K)

PETITIONER:

C.M.SOUJATH,
W/O UMMER KUTTY, 'JASSIMS', NEAR MITHUN STORE,
ELAYAVOOR, P.O, THAZHACHOWA
(VIA) KANNUR, KANNUR DISTRICT, PIN: 670 018

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS:

1. ADDITIONAL DISTRICT MAGISTRATE,
COLLECTORATE, KANNUR -670 001
2. ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD LTD
ELECTRICAL SUB DIVISION, PINARAYI, KANNUR 670741
3. ASSISTANT ENGINEER, ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD LTD, DHARMADAM,
KANNUR DIST.670 106

R1 BY GOVERNMENT PLEADER

R2 & R3 BY SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.10.2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

[P.T.O]

W.P(C).No. 29909 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE INFORMATION SOUGHT FOR BY THE PETITIONER'S HUSBAND DT.11/10/12 FROM THE MUZHAPPILANGADU GRAMA PANCHAYATH

EXT.P2: TRUE COPY OF THE REPLY ISSUED BY THE GRAMA PANCHAYATH DT. 03/11/12

EXT.P3: TRUE COPY OF THE NOTICE DATED 30/6/15 ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT

EXT.P4: TRUE COPY OF THE OBJECTION FILED BY THE PETITIONER, THROUGH HER HUSBAND, BEFORE THE ADDL. DISTRICT MAGISTRATE.

EXT.P5: TRUE COPY OF THE ORDER DATED 08/09/2015 ISSUED BY THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

// TRUE COPY //

PA TO JUDGE

PtK/

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.29909 of 2015
.....
Dated this the 20th day of October, 2015

J U D G M E N T

The challenge in the writ petition is against Ext.P12 order passed by the 1st respondent under Section 16(1) of the Indian Telegraph Act. The grievance of the petitioner in the writ petition is essentially that prior to passing Ext.P5 order, the petitioner was not heard in respect of the alignment that was proposed for drawing an electric line through her property. It is therefore her contention that Ext.P5 order ought to be quashed and the 1st respondent be directed to pass fresh orders in the matter after hearing the petitioner.

2. I have heard the learned counsel for the petitioner, learned Government Pleader for the 1st respondent and the learned Standing Counsel appearing on behalf of the respondents 2 and 3.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar and finding that in Ext.P5 order, although there is a reference made to the presence of a representative of the petitioner at the hearing on 29.07.2015, it is the specific case of the petitioner that she was not represented at the hearing. Under the said circumstances, I quash Ext.P5 order

and direct the 1st respondent to pass fresh orders in the matter after affording a personal hearing to the petitioner through whose property, according to the petitioner, the line is proposed to be drawn. The 1st respondent shall pass fresh orders on the writ petition within a period of one month from the date of receipt of a copy of this judgment,

A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/20.10.15

