

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 31ST DAY OF MARCH 2015/10TH CHAITHRA, 1937

WP(C).No. 30615 of 2014 (B)

PETITIONER(S)

1. ULLERI SEKHARAN, ULLERI HOUSE,
KUNDAMKADAVU, MOONNIYUR SOUTH P.O.
MALAPPURAM DISTRICT-676311.
2. E.ABOOBACKER HAJI, EDASSERY HOUSE,
P.O.MOONNIYUR SOUTH
MALAPPURAM DISTRICT-676311.
3. U.ABDULKHADER HAJI, URPATTIL HOUSE,
KUNDAMKADAVU, MOONNIYUR SOUTH P.O.
MALAPPURAM DISTRICT-676311.

BY ADV. SRI.R.K.MURALEEDHARAN

RESPONDENTS:

1. THE DISTRICT COLLECTOR
MALAPPURAM-676505.
2. THE ADDITIONAL DISTRICT MAGISTRATE
OFFICE OF THE DISTRICT COLLECTORATE
MALAPPURAM-676505.
3. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY THE ASSISTANT EXECUTIVE ENGINEER
TRANSMISSION SUB DIVISION, EDARIKODE
MALAPPURAM-676505.
4. V.P.PAYISHABI, W/O. V.P.BAVA HAJI,
VADAKKEPPURATH HOUSE
MOONNIYUR SOUTH-676311,
MALAPPURAM DISTRICT.
5. P.MURALIDHARAN, DEPUTY COLLECTOR (RR)
KERALA STATE FINANCIAL ENTERPRISES,
THRISSUR-680 001.

WP(C) NO. 30615/2014

ADDL.6. URPATTIL MUHAMMEDKUTTY, URPATTIL HOUSE,
MOONNIYUR SOUTH, MALAPPURAM DISTRICT 676311

ADDL.7. ABDURAHIMAN MUSLIAR, URPATTIL HOUSE,
MOONNIYUR SOUTH, MALAPPURAM DISTRICT 676 311.

IMPLEADED AS PER ORDER DATED 15.12.2014 IN IA NO. 17060/2014

ADDL.8. RADHAKRISHNAN, AGED 35 YEARS,
S/O. VELAYUDHAN, AALINGALTHARA HOUSE,
MOONNIYUR SOUTH P.O., MALAPPURAM 676 311.

ADDL.9. BALKEES, AGED 35 YEARS, W/O. HAMSA,
ANANTHARA HOUSE, MOONNIYUR SOUTH P.O.
MALAPPURAM 676 311.

ADDL.10. VELAYUDHANKUTTI NAIR, AGED 70 YEARS,
S/O. CHATHUKUTTY NAIR, AALINGALTHARA HOUSE,
MOONNIYUR SOUTH P.O., MALAPPURAM 676 311.

IMPLEADED AS PER ORDER DATED 24.03.2015 IN IA NO. 4347/2015.

R3 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB

R4 BY ADV. SRI.DEVAN RAMACHANDRAN

R4 BY ADV. SRI.K.M.ANEESH

R4 BY ADV. SRI.ADARSH KUMAR

ADDL6 BY ADV. SRI.N.M.MADHU

BY ADV. SRI.N.UNNIKRISHNAN

R2 BY GOVERNMENT PLEADER SRI. GIKKU JACOB

R(ADDL.8-R10) BY ADV. SRI.K.ANAND

BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31-03-2015,
ALONG WITH WPC. 8873/2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - A TRUE COPY OF THE COMPLAINT ALONG WITH THE ROUGH SKETCH FILED BY THE 4TH RESPONDENT BEFORE THE 1ST RESPONDENT DATED 24-04-2012.
- EXHIBIT P2 - A TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE LOCAL RESIDENTS.
- EXHIBIT P3 - A TRUE COPY OF THE ALIGNMENT OF LINE BETWEEN TOWER 53 TO 55.
- EXHIBIT P4 - A TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 20-08-2013.
- EXHIBIT P5 - TRUE COPY OF THE REPLY FILED BY THE 3RD RESPONDENT.
- EXHIBIT P6 - A TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 30-08-2014.
- EXHIBIT P7 - A TRUE COPY OF THE GAZETTE NOTIFICATION PUBLISHED IN DECEMBER 2011.

RESPONDENT(S)' EXHIBITS :

- EXHIBIT R3(a) - TRUE COPY OF THE SKETCH SHOWING THE PRESENT POPOSED LINE.
- EXHIBIT R4(a) - TRUE COPY OF THE REPORT.
- EXHIBIT R4(b) - TRUE COPY OF THE REPORT DATED 21.06.2013.
- EXHIBIT R4(c) - TRUE COPY OF THE SKETCH
- EXHIBIT R4(d) - TRUE COPY OF THE RELEVANT PORTION OF THE CENTRAL ELECTRICITY AUTHORITY (MEASURES RELATING TO SAFETY & ELECTRICITY SUPPLT.) REGULATION - 2010.
- ANNEXURE 1 : A COPY OF NOTICE DATED 05.03.2015.
- ANNEXURE 2 : A COPY OF WORK MEMO SUBMITTED BY THE PETITIONERS 06.03.2015.
- ANNEXURE 3 : A COPY OF WORK MEMO FILED ON BEHALF OF 4TH RESPONDENT
- ANNEXURE 4 : A TRUE COPY OF NOTICE DATED 09.03.2015.

- ANNEXURE 5 : A TRUE COPY OF A SKETCH PLAN SHOWING 110 KV DOUBLE CIRCUIT LINE FROM CHETTIYARMADU-PARAPPANANGADI LINE ALIGNMENT OF ORIGINAL AND DEVIATED ROUTE IN BETWEEN LOCATIONS NO. 53 TO 55.
- ANNEXURE 6 : A TRUE COPY OF A TABLE SHOWING NUMBER OF COCONUT TREES, ARECANUT TREES AND OTHER TREES TO BE CUT.
- ANNEXURE 7 : A TRUE COPY OF TABLE SHOWING NUMBER OF COCONUT TREES, ARECANUT TREES AND OTHER TREES TO BE CUT.
- ANNEXURE 8 : A TRUE COPY OF A STATEMENT SHOWING APPROXIMATE ESTIMATE VALUE TOWARDS TREES TO BE CUT IN THE OLD APPROVED ROUTE VIS-A-VIS NEW ROUTE.
- ANNEXURE 9 : A TRUE COPY OF APPROXIMATE ESTIMATE FOR TOWER ERECTION & LINE CONSTRUCTION SUBMITTED BY THE ASSISTANT EXECUTIVE ENGINEER, TRANSMISSION SUB DIVISION KSEB, EDARIKODE.
- ANNEXURE 10, 10(A), 10(B), 10(C), 10(D), 10(E), 10(F), 10(G), 10(H), 10(I), 10(J)** : TRUE COPIES OF WRITTEN STATEMENT DATED 11.03.2015 SUBMITTED TO THE ADVOCATE COMMISSIONER ON 11.03.2015 IN PERSON.
- ANNEXURE 11 & 11(A) TRUE COPIES OF PHOTOGRAPHS PRODUCED
- ANNEXURE 12, 12(AS), 12(B) & 12(C)** TRUE COPIES PHOTOGRAPHS OF PROPERTIES COMING UNDER THE NEW ROUTE ARE PRODUCED.
- ANNEXURE 13: A PHOTOGRAPH SHOWING THE PROPOSED SECOND ANGLE TOWER MARKED (X).
- ANNEXURE 14: A PHOTOGRAPH SHOWING THE STARTING POINT OF FIRSWT ANGLE TOWER MARKED {+}

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

**WP(C) NOs. 30615 OF 2014 &
8873 OF 2015**

Dated this the 31st day of March, 2015

JUDGMENT

It is evident that the second respondent Additional District Magistrate has not dealt with the issue in a legal or proper perspective. All the parties agreed that the matter can be reconsidered by the second respondent after notice. Accordingly Ext.P4 order issued in terms of Section 16 of the Indian Telegraph Act is hereby quashed.

2. All the relevant inputs including the report of the Advocate Commissioner deputed by this court shall be adverted to. The petitioners in WP(C) No. 8873/2015 shall also be put on notice and heard in the exercise. This is in the wake of Ext.P2 representation put in by the petitioners in WP(C) No. 8873/2015 before the Additional District Magistrate.

3. Fresh orders shall be passed within a period of two months from the date of production of a copy of this judgment. The objections filed to the report of the Advocate Commissioner shall also be adverted to at the time of hearing.

The Writ Petitions are disposed of.

**V. CHITAMBARESH
JUDGE**