**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR**

**WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937**

**WP(C).No. 30419 of 2015 (B)**

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**PETITIONER(S) :**

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**A.V.MAMMAD,**
**S/O.KAMMUTTY HAJI, APPATT VADAKKEKARA,**
**PULLIPARAMBA POST, CHELEMBRA, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.K.P.SUDHEER**
**SRI.ARUN MATHEW VADAKKAN**

**RESPONDENT(S) :**

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1. **THE ASSISTANT ENGINEER,**
   **ELECTRICAL SECTION, KERALA STATE ELECTRICITY BOARD LTD.,**
   **KADALUNDI, KOZHIKODE DISTRICT, PIN- 673 328.**

2. **ASSISTANT EXECUTIVE ENGINEER,**
   **ELECTRICAL SUB DIVISION, FEROKE,**
   **KOZHIKODE DISTRICT, PIN- 673 631.**

3. **CHELEMBRA GRAMA PANCHAYATH,**
   **REPRESENTED BY ITS SECRETARY, P.O.CHELEMBRA,**
   **MALAPPURAM DISTRICT, PIN- 673 634.**

4. **ABDUL AZEEZ, S/O.MOHAMMED,**
   **NADAKASSERI PUTHUVAKKAL, CHELEMBRA,**
   **PULLIPARAMBA POST, PIN- 673 634,**
   **MALAPPURAM DISTRICT.**

**R1 & R2 BY ADV. SRI.JAICE JACOB, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Msd.

**WP(C).No. 30419 of 2015 (B)**
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**APPENDIX**

**PETITIONER(S)' EXHIBITS :**
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**EXHIBIT P1: TRUE COPY OF THE LETTER DATED 06.10.2009 ISSUED BY THE 3RD RESPONDENT PANCHAYATH.**

**EXHIBIT P2: TRUE COPY OF LETTER DATED 28.11.2009 ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT DATED 07.01.2010 IN W.P.(C).NO.35854 OF 2009.**

**EXHIBIT P4: TRUE COPY OF THE BUILDING PERMIT DATED 04.02.2010 ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P5(A): TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 23.03.2011.**

**EXHIBIT P5(B): TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 23.03.2011.**

**EXHIBIT P5(C): TRUE COPY OF THE OWNERSHIP CERTIFICATE ISSUED BY THE 3RD RESPONDENT DATED 23.03.2011.**

**EXHIBIT P6(A): TRUE COPY OF THE LATEST BILL ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P6(B): TRUE COPY OF THE LATEST BILL ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P6(C): TRUE COPY OF THE LATEST BILL ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P7: TRUE COPY OF THE ORDER DATED 20.10.2014 IN A.S.NO.37 OF 2014 BEFORE THE ADDITIONAL DISTRICT JUDGE, TIRUR.**

**EXHIBIT P8: TRUE COPY OF THE RECEIPT DATED 14.05.2015 ISSUED BY THE 3RD RESPONDENT.**

**EXHIBIT P9: TRUE COPY OF THE NOTICE DATED 18.08.2015 ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P10: TRUE COPY OF THE NOTICE DATED 26.09.2015 ISSUED BY THE 1ST RESPONDENT.**

**EXHIBIT P11: TRUE COPY OF I.A.NO.2624 OF 2015 IN A.S.NO.37 OF 2014 ON THE FILE OF THE ADDITIONAL DISTRICT JUDGE, TIRUR.**

**RESPONDENT(S)' EXHIBITS : NIL**
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**//TRUE COPY//**

**P.A.TO JUDGE.**

Msd.

**A.K.JAYASANKARAN NAMBIAR, J.**

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**W.P.(C). No. 30419 of 2015**

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**Dated this the 7th day of October, 2015**

**JUDGMENT**

The challenge in the writ petition is against Exts.P9 and P10 notices, that have been issued to the petitioner by the 1st respondent. In the writ petition, the grievance of the petitioner is essentially that, while the 2nd respondent Board had granted electric connection to the new construction that was put up by the petitioner, after demolishing his earlier construction that stood in the same premises, by Exts.P9 and P10 notices issued to the petitioner, the 1st respondent has required the petitioner to show cause against a proposal to disconnect the electricity connection granted to the premises of the petitioner. Although various grounds have been raised in the writ petition, and the petitioner has also highlighted the difficulties faced by him in getting a building number for the new construction put up by him, from the 3rd respondent Panchayat, I am of the view that, inasmuch as Exts.P9 and P10 are only notices that intimate the petitioner of a proposal for disconnection, it would be incumbent upon the petitioner to first reply to the said notices and get the matter adjudicated before the 1st respondent, before approaching this Court for any relief. Thus, relegating the petitioner to his remedy of approaching the 1st respondent with a reply to Exts.P9 and P10

notices and getting the same adjudicated by the 1st respondent, the writ petition, in its challenge against Exts.P9 and P10 orders, is dismissed.

Taking note of the submission of the learned counsel for the petitioner that he would require fifteen days time to file the detailed objection to Exts.P9 and P10 notices, I make it clear that, if the petitioner files an objection to Exts.P9 and P10 within fifteen days from the date of receipt of a copy of this judgment, then the 1st respondent shall consider the same and pass orders thereon, after hearing the petitioner. I make it clear that the 1st and 2nd respondents shall not disconnect the electricity connection to the petitioner, till such time as orders are passed pursuant to the objections filed by the petitioner to Exts.P9 and P10 notices, that are impugned in the writ petition. In the nature of the orders, that have been passed in this writ petition, I make it clear that, I have not considered the second prayer of the petitioner in the writ petition, which is directed to the 3rd respondent Panchayat. I leave this issue open to be decided in an appropriate case.

Sd/-
**A.K.JAYASANKARAN NAMBIAR**
**JUDGE**

das 07.10.2015