

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

SATURDAY, THE 21ST DAY OF NOVEMBER 2015/30TH KARTHIKA, 1937

WP(C).No. 30736 of 2015 (N)

PETITIONER :

**M/S. ASSET HOMES PVT. LTD.,
28/34A, G-129, PANAMBILLY NAGAR
ERNAKULAM, KOCHI-36,
REPRESENTED BY ITS DIRECTOR
SRI.SUNIL KUMAR V.**

BY ADV. SRI.RAJESH VIJAYENDRAN

RESPONDENT(S) :

- 1. KERALA STATE ELECTRICITY BOARD,
VYDHYUDHI BHAVANAM, PATTOM
THIRUVANANTHAPURAM - 695 004
REPRESENTED BY IT'S SECRETARY.**
- 2. EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL DIVISION
THIRUVANANTHAPURAM, PIN - 695 036.**
- 3. THE ASSISTANT ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL SECTION
VELLAYAMBALAM - 695 038.**
- 4. THE ASSISTANT EXECUTIVE ENGINEER,
PWD ROADS SUB DIVISION
THIRUVANANTHAPURAM - 695 001.**

**R1 TO R3 BY ADVS. SRI.T.R.RAJAN, SC
SRI.JAICE JACOB, SC,
R4 BY GOVT. PLEADER SMT. K.T. LILLY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

WP(C).No. 30736 of 2015 (N)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1: TRUE COPY OF THE LETTER BEARING
 NO.DB/ASSET LINEAGE/VBIM/15-16/1351 DATED 19.07.2015 ISSUED BY
 THE 2ND RESPONDENT.**
- EXT.P2: TRUE COPY OF THE ORDER BEARING
 NO.44/2015-16 DATED 09-07-2015 ISSUED BY THE 2ND RESPONDENT.**
- EXT.P3: TRUE COPY OF THE LETTER DATED 04.08.2015 ISSUED BY THE
 PETITIONER.**
- EXT.P4: LETTER BEARING NO.TB/VBLM/ROADS/15-16/DATED 29.07.2015
 ISSUED BY THE 3RD RESPONDENT.**
- EXT.P5: LETTER DATED NIL ISSUED BY THE PETITIONER TO THE 4TH
 RESPONDENT.**
- EXT.P6: TRUE COPY OF THE LETTER BEARING
 NO.TB/VBLM/ROADS/15-16/DATED 03.09.2015 ALONG WITH THE
 SKETCH, ISSUED BY THE 3RD RESPONDENT.**
- EXT.P7: TRUE COPY OF THE LETTER DATED 25.09.2015 ISSUED BY THE
 COUNCILOR.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 30736 of 2015

Dated this the 21st day of November, 2015

JUDGMENT

The petitioner, who is engaged in the construction of multi storied residential apartments, is aggrieved by the inaction on the part of the 4th respondent in not according sanction to the petitioner for cutting the road maintained by the PW Department, for the purposes of laying an underground electric cable. It is stated that the reluctance on the part of the 4th respondent in granting permission appears to be on the assumption that the laying of underground cable would entail a cutting of the road and this would cause inconvenience to the public. Counsel for the petitioner submits that, in his proposal that was submitted to the 4th respondent, he had also indicated that he was willing to lay the underground cable by resorting to Horizontal Tunnel Drilling method (HTD method), and therefore, this was something that the 4th respondent ought to have considered before taking any decision in the matter of grant of sanction to the petitioner.

2. I have heard the learned counsel appearing for the petitioner, the learned Government Pleader appearing for the 4th respondent as also the learned Standing Counsel appearing for the respondents 1 to 3.

The learned Government Pleader, on instructions, would submit that the 4th respondent has no objection to the petitioner resorting to the laying of underground cable by the HTD method, provided, he gives an undertaking to the 4th respondent that, while resorting to the said method of laying the underground cable, proper care will be taken to protect the sewer lines and KWA water supply lines and that, if any damage is caused to these lines while undertaking the work, he will bear the costs associated with the repair of those lines. Taking note of the said submission of the learned Government Pleader on instructions, I dispose the writ petition with a direction to the 4th respondent to permit the petitioner to draw the underground cable to his premises by resorting to the HTD method, subject to the petitioner furnishing an undertaking to the satisfaction of the 4th respondent on the lines indicated above. The petitioner shall also comply with other necessary formalities, that are insisted by the 4th respondent for the said purpose. The 4th respondent shall ensure that the formalities in connection with the laying of underground cables is completed and the petitioner permitted to do the work within an

W.P.(C). No. 30736 of 2015

outer time limit of two weeks from the date of receipt of a copy of this judgment.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

das /21.11.15