

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE V. CHITAMBARESH

THURSDAY, THE 25TH DAY OF JUNE 2015/4TH ASHADHA, 1937

WP(C).No. 31633 of 2014 (D)

PETITIONER:

K RADHAKRISHNAN NAIR, AGED 57 YEARS,
S/O. KOCHUKRISHNAN NAIR, 'AISWARYA',
CHAVADINADA, VENGANOOR VILLAGE,
VENGANOOR P.O., THIRUVANANTHAPURAM.

BY ADVS. SRI. C. A. CHACKO
SMT. C. M. CHARISMA

RESPONDENTS:

1. DISTRICT COLLECTOR,
THIRUVANANTHAPURAM 695 001.
2. THE ADDITIONAL DISTRICT MAGISTRATE
THIRUVANANTHAPURAM 695 001.
3. THE ASSISTANT EXECUTIVE ENGINEER
ELECTRICAL SUB DIVISION, KSEB, VIZHINJAM
THIRUVANANTHAPURAM - 695 521.
4. A. JANARDHANAN NAIR, BHARATHI VILASAM,
CHAVADINADA, VENGANOOR P.O.,
THIRUVANANTHAPURAM - 695 523.
5. SUMAKUMAR J. T., SOUBHAGYAM,
CHAVADINADA, VENGANOOR P.O.,
THIRUVANANTHAPURAM - 695 523.
6. SUDHARMAKUMARI J. T., BHARATHI VILASAM,
THE MANAGER, AL-AMEEN HIGH SCHOOL,
KECHERY, THRISSUR DISTRICT, CHAVADINADA,
VENGANOOR P.O., THIRUVANANTHAPURAM - 695 523.

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

R4 BY ADV. SRI. P. G. PRAMOD

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25-06-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1 - TRUE COPY OF PROCEEDINGS DT. 28.11.12 IN HRMP NO. 1204/12 OF HUMAN RIGHTS COMMISSION.
- EXHIBIT P2 - TRUE COPY OF PETITION DT. 24.4.13 BEFORE 1ST RESPONDENT.
- EXHIBIT P3 - TRUE COPY OF SKETCH SUBMITTED BY 3RD RESPONDENT.
- EXHIBIT P4 - TRUE COPY OF REPORT DT. 27.10.13 OF VILLAGE OFFICER, VENGANOOR.
- EXHIBIT P5 - TRUE COPY OF LOCATION SKETCH PREPARED BY VILLAGE OFFICER, VENGANOOR.
- EXHIBIT P6 - TRUE COPY OF ORDER DT. 09.10.14 OF 2ND RESPONDENT.
- EXHIBIT P7 - TRUE COPY OF JUDGMENT OF THIS HON'BLE COURT IN WPC NO. 17196/2008 DT. 08.8.08.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A. TO JUDGE.

V. CHITAMBARESH, J

WP(C) NO. 31633 OF 2014

Dated this the 25th day of June, 2015

JUDGMENT

The electricity supply line can be shifted even beyond the boundaries of a property. The power is abundant under the Works of Licensees Rules, 2006. The restriction to be within the boundaries of the property is only under Section 17 of the Indian Telegraph Act. The Works of Licensees Rules have obviously been lost sight of by the second respondent. The decision in **Gopinathan Nair Vs. The Kerala State Electricity Board [2015 (2) KLT 947]** is apposite.

2. The question remains as to whether the petitioner has made out a case for shifting. There is no proper consideration of that issue by the second respondent on the basis of the relevant inputs. I quash Ext.P6 order and direct the second respondent to reconsider the issue. The same shall be done with notice to the petitioner and respondents 4 to 6 within two months.

The Writ Petition is disposed of.

**V. CHITAMBARESH
JUDGE**