

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

MONDAY, THE 19TH DAY OF OCTOBER 2015/27TH ASWINA, 1937

WP(C).No. 31720 of 2015 (L)

PETITIONER(S) :

**V.P. AYISHABI,
W/O.V.P.BAVA HAJI, VADAKKEPPURATH HOUSE,
MOONNIYUR SOUTH, MALAPPURAM DISTRICT.**

**BY ADVS.SRI.DEVAN RAMACHANDRAN
SRI.K.M.ANEESH
SRI.ADARSH KUMAR
SRI.SANTHOSH KUMAR K.
SRI.BIJU VARGHESE ABRAHAM**

RESPONDENT(S) :

- 1. THE ADDITIONAL DISTRICT MAGISTRATE,
OFFICE OF THE DISTRICT COLLECTORATE, MALAPPURAM- 676 505.**
- 2. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE ASSISTANT EXECUTIVE ENGINEER,
TRANSMISSION SUB DIVISION, EDARIKODE, MALAPPURAM- 676 505.**
- 3. ULLERI SEKHARAN, ULLERI HOUSE,
KUNDAMKADAVU, MOONNIYUR SOUTH P.O.,
MALAPPURAM DISTRICT- 676 311.**
- 4. E.ABOOBACKER HAJI,
EDASSERY HOUSE, P.O.MOONNIYUR SOUTH,
MALAPPURAM DISTRICT- 676 311.**
- 5. U.ABDULKHADER HAJI, URPATTIL HOUSE,
KUNDAMKADAVU, MOONNIYUR SOUTH P.O.,
MALAPPURAM DISTRICT- 676 311.**

**R1 BY GOVERNMENT PLEADER SMT.LILLY.K.T
R2 BY ADV. SRI.K.M.SATHYANATHA MENON, S.C**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C).No. 31720 of 2015 (L)

APPENDIX

PETITIONER(S)' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE REPORT ISSUED BY THE TAHSILDAR.

EXHIBIT P2: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT.

**EXHIBIT P3: TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
W.P.(C).NO.30615/2014.**

**EXHIBIT P4: TRUE COPY OF THE ORDER DATED 05.10.2015 OF
THE 1ST RESPONDENT.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.K.JAYASANKARAN NAMBIAR, J.

.....

W.P.(C).No.31720 of 2015

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Dated this the 19th day of October, 2015

J U D G M E N T

The petitioner, who is an owner of 45 cents of property in Sy.No.108/2 of Manniyoor village, is aggrieved by Ext.P4 order of the 1st respondent, whereby the 1st respondent, after considering possible options for drawing of an electricity line for the purposes of a 110 KV substation at Parappanangady, decided that the most feasible option was of drawing the lines through the property of the petitioner.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondent Board and as also the learned Government Pleader for the 1st respondent.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that in Ext.P4 order, the 1st respondent, pursuant to Ext.P3 judgment of this Court, considered the objections of the petitioner with regard to the proposed route through the property of the petitioner. The 1st respondent in fact considered the various options available namely three routes, one going through the property of the petitioner and the other two going through a paddy field. It is after a

consideration of all the three routes, and after examining reports that were called for from the Village Officer concerned, that the 1st respondent decided on aligning the electric lines through the property of the petitioner. Inasmuch as the decision in Ext.P4 order was arrived at by considering the relevant facts and referring to the relevant reports of the Village Officer, I do not see any illegality in Ext.P4 order. I also take note of the Division Bench judgment of this Court in **Johny E.C. v. Additional District Magistrate [2015 (5) KHC 40 DB]** wherein it has been held that in the absence of any illegality or malafides in the order passed by the Additional District Magistrate, this Court should not ordinarily interfere with the orders so passed for the mere reason that there may be an alternative route available. Accordingly, the writ petition in its challenge against Ext.P4 order fails and is accordingly dismissed.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

mns/19.10.15

//True copy//

P.A To Judge

