

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 32479 of 2015 (H)

PETITIONER(S):

**M.I. GEORGE,
ARCHANA RESIDENCY, M.S.A. ROAD,
MUNNAR, DISTRICT IDUKKI.**

**BY ADVS.SRI.K.REGHU KOTTAPPURAM,
SRI.M.MUKESH,
SRI.MURUKESH REGHU.**

RESPONDENT(S):

- 1. KANNAN DEVAN HILLS PLANTATION COMPANY LTD.,
MUNNAR, REPRESENTED BY ITS GENERAL MANAGER,
K.D.H.P. HOUSE, MUNNAR, IDUKKI-685 612.**
- 2. THE MANAGER, ENGINEERING,
K.D.H.P. HOUSE, MUNNAR, IDUKKI-685 612.**
- 3. THE STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

**R1 & R2 BY ADV. SRI.V.ABRAHAM MARKOS.
R3 BY GOVT. PLEADER SMT.LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 : TRUE COPY OF THE SALE DEED NO.2356/02 OF SRO DEVIKULAM.
- EXT.P2 : TRUE COPY OF THE RECEIPT DATED 23-03-2015.
- EXT.P3 : TRUE COPY OF THE DEMAND NOTICE DATED 19-09-2015
ISSUED BY 2ND RESPONDENT.
- EXT.P4 : TRUE COPY OF THE OF LETTER DATED 14-08-2008.
- EXT.P5 : TRUE COPY OF THE LETTER DATED 16-08-2008.
- EXT.P6 : TRUE COPY OF THE LETTER DATED 31-05-2013 TO
2ND RESPONDENT.
- EXT.P7 : TRUE COPY OF THE LETTER DATED 05-10-2013.
- EXT.P8 : TRUE COPY OF THE JUDGMENT DATED 30-09-2015 IN
WP(C).NO.29663/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

.....
W.P.(C).No.32479 of 2015

.....
Dated this the 30th day of October, 2015

J U D G M E N T

The petitioner is aggrieved by the stand of the 1st and 2nd respondents, who are the licensees of the Kerala State Electricity Board, in refusing permission to the petitioner for installation of a new transformer substation in the premises of the petitioner. The objection raised by the 1st and 2nd respondents appears to be on account of the fact that the petitioner's building is situated in Survey.No.61/14 part of KDH village in Devikulam Taluk, and there is an order of status quo passed by the Supreme Court in an appeal filed by the State of Kerala against orders passed by this Court. I note in this connection, that similar matters regarding grant of electric supply to buildings situated in the same location had come up for consideration before this Court and in W.P.(C). No.29836 of 2013, a single judge of this Court, by judgment dated 16.01.2014, disposed the writ petition directing the respondents to provide electric connection to the petitioner's building on the basis of the application submitted, provided the petitioner satisfies the other eligibility conditions and complies with the necessary procedural formalities. Taking cue from the said judgment, I dispose the present writ petition directing the respondents to do the needful in installing a new transformer substation in the

premises of the petitioner pursuant to the sanction granted vide Ext.P4 by taking into account the present electricity load required to meet the needs of the petitioner according to the legal provisions in force. The respondents shall do the needful within a period of two months from the date of receipt of a copy of this judgment. It is made clear that, the installation of the transformer in the premises of the petitioner will not be construed as pronouncing upon the legality of the construction put up by the petitioner and the same will be subject to the result of the proceedings pending before the Supreme Court.

A.K.JAYASANKARAN NAMBIAR
JUDGE