

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 32761 of 2014 (U)  
-----

PETITIONER(S):  
-----

1. RAKHY AUGUSTUS, AGED 40 YEARS  
W/O P.M. AUGUSTUS, PALLAN HOUSE, PUTHUKADU  
MUKUNDAPURAM TALUK, THRISSUR DISTRICT 680301
2. ANNIE BABY, AGED 54 YEARS  
W/O BABY PALAYOOR HOUSE, KATTAKARA WEST  
ATHIPRAMUB LANE, KALOOR, KOCHI 682017
3. BIJU P.P, AGED 46 YEARS  
S/O PORINCHU, PUDUKADAN HOUSE, KANJOOR  
PUDUKAD, MUKUNDAPURAM TALUK, THRISSUR DISTRICT

BY ADV. SRI.RAJIT

RESPONDENT(S):  
-----

1. ADDITIONAL DISTRICT MAGISTRATE/REVENUE DIVISIONAL OFFICER,  
THRISSUR, COLLECTORATE, AYYANTHOLE  
THRISSUR - 680 001
2. THE ASSISTANT EXECUTIVE ENGINEER,  
T.C SUB DIVISION, NADAVARAMBU P.O, IRINJALAKUDA  
THRISSUR DISTRICT - 686 301.

R2 BY ADV. SRI.K.M.SATHYANATHA MENON,SC,KSEB  
R BY SENIOR GOVERNMENT PLEADER SRI.S.JAMAL.  
R BY SRI.SAJEEVKUMAR K.GOPAL,SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
19-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS  
-----

EXHIBIT P1 TRUE COPY OF THE SKETCH SUBMITTED BY THE 2ND RESPONDENT  
BEFORE THE 1ST RESPONDENT

EXHIBIT P2 TRUE COPY OF THE SKETCH WHICH IS PRODUCED AS EXT P5 IN WPC NO  
28678/2014

EXHIBIT P3 TRUE COPY OF THE SKETCH GIVEN BY THE 2ND RESPONDENT TO THE  
PETITIONERS

EXHIBIT P4 TRUE COPY OF THE SKETCH SHOWING THE PROPOSAL OF THE  
PETITIONER

EXHIBIT P5 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER  
BEFORE THE RESPONDENTS

EXHIBIT P6 TRUE COPY OF THE SKETCH SHOWING EXISTING 66 KV LINE  
PROPOSED 110 KV TOWER LINE AND THE PROPOSAL MOOTED  
BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS  
-----

EXT.R2(a) TRUE COPY OF THE SKETCH SHOWING THE DETAILS OF 66 KV AND  
110 KV ALIGNMENT.

EXT.R2(b) PHOTOGRAPH SHOWING THE NATURE OF EXT.R2(a) LOCATION -15 AND  
ITS PROXIMITY TO THE NEW 110 KV YARD.

EXT.R2(c) TRUE COPY OF THE LETTER OF CONSENT ADDRESSED TO THE FIRST  
RESPONDENT DATED 27.9.2013 GIVEN BY THE THIRD PETITIONER.

EXT.R2(d) TRUE COPY OF THE NOTIFICATION DATED 25.5.2010.

EXT.R2(e) TRUE COPY OF THE SKETCH OF SUBSTATION OF 66 AND 110 KV  
YARD.

EXT.R2(f) PHOTOGRAPH SHOWING THE GANTRY.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

-----  
W.P (C) No.32761 of 2014  
-----

Dated this the 19<sup>th</sup> day of January, 2015

J U D G M E N T

Tower Nos.1 to 14 have almost been erected. It is not possible to alter the position of the last tower (Tower No.15). The second respondent appeared in Court in person and explained the factual situation. It is not technically feasible to alter the position of Tower No.15 at this distance of time. The report of the Advocate Commissioner also supports the stand taken by the Kerala state Electricity Board.

2. The second respondent however assures that the existing 66 KV tower will be dismantled soon after the 110 KV line is energised. This is recorded. Every endeavour shall be made by the Kerala State Electricity Board to cause as little damage as possible to the property of the petitioners. I would not want to substitute my discretion with the discretion exercised by the Departmental officials.

The Writ Petition is disposed of. No costs.

Sd/-  
V.CHITAMBARESH,  
Judge.

nj.