

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

WP(C) .No. 34112 of 2014 (L)

PETITIONER(S) :-

AJI PHILIP, AGED 39 YEARS
S/O.T.D. PHILIPOSE
SCREEN AND SOUND CABLE TV NETWORK, THONDALIL
GRACE VILLA, EZHAMKULAM, NEDUMON P.O.
PATHANAMTHITTA - 691 556.

BY ADVS.SRI.JOHNSON MANAYANI
SRI.JEEVAN MATHEW MANAYANI

RESPONDENT(S) :-

1. SUNEESH
SARIGA CABLE TV NETWORK, MANKOOTTAM, VAYLA P.O.
EZHAMKULAM, PATHANAMTHITTA DISTRICT - 686 587.
2. THE SUB INSPECTOR OF POLICE,
ADOOR POLICE STATION, ADOOR P.O.
PATHANAMTHITTA DISTRICT - 691 523.
3. THE EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL DIVISION
ADOOR -691 523.
4. THE STATE OF KERALA,
REPRESENTED BY ITS HOME SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM -695 001.

R3 BY ADV. SMT.P.K.RADHIKA-KSEB
SRI.SAJEEVKUMAR K.GOPAL, SC, KSEB
R2 & R4 BY STATE ATTORNEY SRI.P.VIJAYARAGHAVAN
R1 BY ADV. SRI.S.NIDHEESH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

APPENDIX

PETITIONER(S) ' EXHIBITS :-

EXHIBIT-P1-TRUE COPY OF THE AGREEMENT ENTERED BY THE PETITIONER TO DRAW CABLE TV LINES THROUGH 1045 POSTS.

EXHIBIT-P2-TRUE COPY OF THE AGREEMENT FOR THE DRAWING OF THE CABLE TV LINES THROUGH 290 POSTS.

EXHIBIT-P3-TRUE COPY OF THE JUDGMENT IN O.S 264/2005.

EXHIBIT-P4-TRUE COPY OF THE DEMAND NOTICE ISSUED BY THE ELECTRICITY BOARD.

EXHIBIT-P5-TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 3RD RESPONDENT EXECUTIVE ENGINEER, KSEB ADOOR.

EXHIBIT-P5(a)-TRUE COPY OF THE ENGLISH TRANSLATION OF EXHIBIT-P5 MALAYALAM DOCUMENT.

EXHIBIT-P6-TRUE COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 13/12/2014 WITHOUT EXHIBITS.

EXHIBIT-P7-TRUE COPY OF THE INSPECTION REPORT OF THE ASSISTANT ENGINEER, EZHAMKULAM.

EXHIBIT-P7(a)-TRUE ENGLISH TRANSLATION OF EXHIBIT P7.

RESPONDENT(S) ' EXHIBITS :-

EXHIBIT-R1(a)-TRUE COPY OF THE LICENCE ALONG WITH TRANSLATION ISSUED BY THE PANCHAYATH DATED 27.12.2014.

EXHIBIT-R1(b)-TRUE COPY OF THE REGISTRATION CERTIFICATE DATED 9.12.2014.

EXHIBIT-R1(c)-TRUE COPY OF CERTIFICATE ISSUED BY THE ELECTRICAL INSPECTOR DATED 5.1.2015.

EXHIBIT-R1(d)-TRUE COPY OF THE AGREEMENT WITH KSEB DATED 22.1.2005.

EXHIBIT-R1(e)-TRUE COPY OF THE INTER OFFICE COMMUNICATION ALONG WITH TRANSLATION.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.P.(C) No.34112 of 2014

Dated this the 24th day of February 2015

J U D G M E N T

Shaffique, J.

The petitioner has approached this Court seeking for police protection for him and his employees to use and operate the cable TV lines drawn over poles mentioned in Exts.P1 and P2. It is alleged that the first respondent, who is another cable TV operator has drawn cable lines through the poles which was allotted to the petitioner by the Kerala State Electricity Board (KSEB) and is obstructing the petitioner from drawing of cable TV lines and its operation through the said network.

2. A counter affidavit has been filed by the first respondent inter alia stating that they also have obtained certain permission from the KSEB and they are not obstructing the petitioner in any manner. That apart, it is contended that there is an agreement between the petitioner as well as the first respondent in regard to drawing of cables and if at all there is any dispute, the remedy of the petitioner is to

approach the civil court.

3. Learned Government Pleader on instructions would submit that it is practically impossible for the police to render protection as claimed, as the cable TV lines are drawn through the electric post and it extends several kilometers.

4. Having regard to the rival contentions urged by the learned counsel for the petitioner as well as the learned counsel appearing for the first respondent, we are of the view that the dispute between the petitioner as well as the first respondent can be settled only by interference of the KSEB. If there is any overlapping of the cable lines, the parties have to approach the Board officials and take appropriate remedial measures. It may not be possible for the police to interfere and resolve the dispute between the parties. The police can interfere in the matter only when there is any law and order situation and if there is any offence being committed or attempt to commit offence.

5. If there is any law and order situation in the matter of drawing of cables, on the complaint of either parties, it shall always be open for the police to enquire into the matter and do

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the needful. But, in regard to the rival claims made by the parties, it is for them to approach either the KSEB or the civil court for appropriate orders.

With the above observation, this writ petition is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE