

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 8TH DAY OF JANUARY 2015/18TH POUSHA, 1936

WP(C).No. 35550 of 2014 (P)

PETITIONERS:

1. ANILKUMAR AGED 42 YEARS
S/O GOPALAKRISHNAN NAIR, ANUPAMAM COMMUNICATIONS,
THAKAZHY, ALAPPUZHA DISTRICT.
2. SUJITH P., AGED 40 YEARS
S/O PONNAPPAN, LIVELINE CABLE TV NETWORK, AMBALAPUZHA
ALAPUZHA DISTRICT.
3. SUJESH
ROYAL VISION CABLE NETWORK, AMBALAPUZHA
ALAPPUZHA DISTRICT.
4. SANTHOSH
ROYAL VISION CABLE NETWORK (PUNNAPRA), THAIPARAMBU
CANAL WARD, ALAPPUZHA DISTRICT.
5. ABDUL GAFOOR,
JR COMMUNICATIONS, PUTHENPARAMBIL, KOMANA
AMBALAPUZHA, ALAPUZHA DISTRICT.
6. SHAFEEQ
STAR VISION CABLE TV NETWORK, KARUPPANCHERI, KUNNAMMA,
THAKAZHI, ALAPUZHA DISTRICT.
7. VIJAYAKUMAR
VIJAY COMMUNICATIONS, PATHARAM
THAKAZHI, ALAPUZHA DISTRICT.
8. JAYESH
ADITHYA CABLE NETWORK, KAREKKADU BUILDING,
MAMPUZHAKARI, ALAPUZHA DISTRICT.
9. SUMESH
EYE VISION CABLE NETWORK, ANAPRAMPAL SOUTH PO.
THALAVADY, ALAPPUZHA.

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10. SHIBU
BLUE MOON CABLE NETWORK, RAMAKARI P.O.
ALAPUZHA DISTRICT.
11. CHACKO MATHEW
MINI VISION CABLE NETWORK, EDATHWA,
ALAPPUZHA DISTRICT.
12. SATHEESH
ROYAL CABLE VISION, MUTTAR, MUTTAR P.O.
ALAPPUZHA.
13. LATHEESH KUMAR
FRIENDS CABLE VISION, MUTTAR, KIDANGARA
ALAPPUZHA.
14. AJITHKUMAR
KEERTHI COMMUNICATIONS, MURUKKOLIMUTTU, THALAVADY
ALAPPUZHA.

BY ADVS.SRI.RENJITH THAMPAN (SR.)
SMT.P.R.REENA

RESPONDENTS:

1. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VAIDYUTHI BHAVAN
THIRUVANANTHAPURAM, PIN:695 001.
2. EXECUTIVE ENGINEER
KSEB, ELECTRICAL DIVISION OFFICE, ALAPPUZHA
PIN:688 001.
3. CHIEF ENGINEER
KSEB, ELECTRICAL CIRCLE OFFICE, ALAPPUZHA
PIN:688 001.
4. ASSISTANT ENGINEER
KSEB ELECTRICAL SECTION OFFICE, KIDANGARA
ALAPPUZHA DISTRICT, PIN:686 102.
5. ASSISTANT ENGINEER
ELECTRICAL SECTION OFFICE, EDATHWA, ALAPPUZHA DISTRICT
PIN:689 573.

R BY SRI.JAICE JACOB,SC,KERALA STATE ELECTRICITY BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
08-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE AGREEMENT DATED 23.10.2001 EXECUTED BETWEEN THE 1ST PETITIONER AND ELECTRICITY BOARD.

EXHIBIT P2: TRUE COPY OF THE RENEWED AGREEMENT BETWEEN THE 1ST PETITIONER AND THE ELECTRICITY BOARD DATED 5.12.2006.

EXHIBIT P3: TRUE COPY OF THE LETTER DATED 12.11.2006 OF THE 2ND RESPONDENT ALONG WITH ENCLOSURES SHOWING THE POLE RENTAL DUE FROM THE 1ST PETITIONER.

EXHIBIT P4: TRUE COPY OF THE AGREEMENT DATED 25.7.2008 EXECUTED BETWEEN THE 9TH PETITIONER AND THE ELECTRICITY BOARD.

EXHIBIT P5: TRUE COPY OF BOARD ORDER DATED 25.2.2012 OF KERALA STATE ELECTRICITY BOARD.

EXHIBIT P6: TRUE COPY OF THE NOTICE ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER ALONG WITH THE STATEMENT DATED 24.11.2014.

EXHIBIT P7: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER DATED 25.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P8: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 3RD PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P9: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 4TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P10: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 5TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P11: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 6TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P12: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 7TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P13: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 8TH PETITIONER DATED 18.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P14: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 9TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

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EXHIBIT P15: TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT ISSUED TO THE 10TH PETITIONER DATED 18.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P16: TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT ISSUED TO THE 11TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P17: TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT ISSUED TO THE 12TH PETITIONER DATED 18.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P18: TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT ISSUED TO THE 13TH PETITIONER DATED 18.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P19: TRUE COPY OF THE LETTER OF THE SECOND RESPONDENT ISSUED TO THE 14TH PETITIONER DATED 26.11.2014 ALONG WITH THE STATEMENT.

EXHIBIT P20: TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONERS DATED 20.12.2014 BEFORE THE THIRD RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.35550 of 2014

Dated this the 8th day of January, 2015

J U D G M E N T

The dispute as regards the pole rental between the cable TV operators and the Kerala State Electricity Board requires to be resolved. Clause 9 of Ext.P2 agreement entered into between the parties provides for resolution of the difference or dispute by the third respondent Chief Engineer. The petitioners have in this regard submitted Ext.P20 representation which is pending consideration with the third respondent.

2. I direct the third respondent to consider Ext.P20 representation with notice to the petitioners within two months. The cables of the TV operators shall not be dismantled in the meanwhile provided the petitioners deposit one-half of the amount demanded under Exts.P2 to P19 notices. One-half of the amount shall be deposited within a period of one month from today. The failure to do so will empower the Kerala State Electricity Board to dismantle the cables.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.