

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 38846 of 2015 (E)

PETITIONER(S):

**BINIL THOMAS, AGED 30 YEARS,
S/O.THOMAS, PANDARAKUNNEL HOUSE, ETTAKKANAM KARA,
RAJAKKADU VILLAGE, IDUKKI DISTRICT.**

BY ADV. SRI.MATHEW A KUZHALANADAN

RESPONDENT(S):

- 1. SUB ENGINEER, KERALA STATE ELECTRICITY BOARD,
RAJAKAD, IDUKKI-685 566.**
- 2. THE ASSISTANT ENGINEER,
ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD, RAJAKAD
IDUKKI-685 566.**
- 3. SHIBU VIJAYAN,
S/O.VIJAYAN, MANALEL HOUSE, EETTAKKANAM,
RAJAKKAD VILLAGE, UDUMBACHOLA TALUK,
IDUKKI DISTRICT-685 566.**
- 4. THE REVENUE DIVISIONAL OFFICER
DEVIKULAM, IDUKKI-685 503.**

**R1 & 2 BY SRI.SAJEEVKUMAR K.GOPAL,SC
R4 BY GOVERNMENT PLEADER SMT.LILLY K.T.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 38846 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1. TRUE COPY OF THE AGREEMENT DATED 21/3/2015 ENTERED INTO
 BETWEEN THE PETITIONER AND THE 3RD RESPONDENT**
- EXT.P2. TRUE COPY OF THE FIR REGISTERED AGAINST THE 3RD
 RESPONDENT**
- EXT.P3. TRUE COPY OF THE COMPLAINT DATED 1/9/2015 TO THE
 ASST.ENGINEER OF ELECTRICAL SECTION, RAJAKKADU
 (RESPONDENT NO.2).**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.K.JAYASANKARAN NAMBIAR, J.
.....
W.P.(C).No.38846 of 2015
.....
Dated this the 23rd day of December, 2015

J U D G M E N T

The grievance of the petitioner in the writ petition is that the respondents are taking steps to draw an electric line through a path way which according to the petitioner belongs to him. It is his case that the electric line is intended for the benefit of the 3rd respondent and that the 3rd respondent is deliberately influencing the official respondents for drawing the electric line through the said path way so as to fortify his case in the civil proceedings which are stated to be pending between the petitioner and the 3rd respondent.

2. I have heard the learned counsel for the petitioner and the learned Standing counsel for the Electricity Board. The learned Standing counsel for the respondent Board would submit that the respondent Board is taking steps to refer the issue to the Additional District Magistrate in terms of Section 16 (1) of the Indian Telegraph Act. Taking note of the said submission of counsel for

the respondent Board, I dispose the writ petition with a direction to the respondent Board to refer the matter to the Additional District Magistrate in terms of Section 16 (1) of the Indian Telegraph Act within a period of three weeks from the date of receipt of copy of this judgment. It is made clear that till such time as orders are passed by the Additional District Magistrate, pursuant to the reference made by the Board, further steps to implement the proposal of drawing the electric line through the property of the petitioner shall be kept in abeyance. The alignment of the electric line, proposed by the respondent Board, will subject to the order of the Additional District Magistrate passed pursuant to the directions in the judgment.

A.K.JAYASANKARAN NAMBIAR
JUDGE

W.P.(C). No. 38846 of 2015