

(2009) 05 KL CK 0064

In the High Court Of Kerala

Case No : Writ Petition (C) No. 11185 of 2009 (P)

Vinod

APPELLANT

Vs

The Additional District Magistrate, Tahsildar, The Asst.
Executive Engineer and Sukumaran

RESPONDENT

Date of Decision : 29-05-2009

Acts Referred:

Citation : (2009) 05 KL CK 0064

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Latheesh Sebastian, for the Appellant; B. Mohanlal, for the Respondent

Judgement

Antony Dominic, J.—The prayer in this writ petition is to quash Ext. P2, an order passed by the first respondent, exercising his powers under the Indian Telegraph Act.

2. Briefly noted the facts of the case are that, the 4th respondent made an application for electric connection. Realizing that, if the line is drawn as proposed, it will be cutting across the petitioner's property, he raised objections. Alternately, he also suggested that the line could be drawn through the eastern corner of his property. In view of the objection, the 3rd respondent applied to the first respondent for removing the obstruction. This resulted in Ext. P2 order.

3. Although several contentions on the validity of Ext. P2 have been raised, I do not think it necessary to pronounce on those contentions. This is for the reason that the Petitioner has submitted before me that the line could be drawn thorough the alternate route suggested by him, which is through the eastern corner of his property, and that supply could be made to the premises of the 4th respondent without causing any damage to any 3rd parties' properties. It is stated that if line could be drawn as suggested by him, damage which will, otherwise be caused to his property, will be reduced considerably and that for this purpose he is willing to incur the additional expenditure if any, that is

required by the Board.

4. Having heard the submissions made by the counsel for the petitioner, Electricity Board and the 4th respondent, I feel it is only appropriate that the 3rd respondent considers the feasibility of the suggestion made by the petitioner and if it is feasible to accept the same.

5. Therefore, the writ petition is disposed of with the following directions.

6. That on the production of a copy of this judgment and within 2 weeks thereafter, the 3rd respondent shall examine the feasibility of the suggestion made by the Petitioner to draw line thorough the eastern corner of his property and without causing damage to g any body else''s property to the premises of the 4th respondent.

7. It is directed that in case the suggestion made by the petitioner is found to be technically feasible, line shall be drawn through the alignment suggested by the petitioner and the petitioner will pay in advance, the additional expense that is required, for drawing the line in the manner as suggested by him.

It is clarified that in the event, the suggestion is not found feasible or if the petitioner fails to remit the additional cost that he is called upon to pay, within the time allowed for remittance, the respondents will be free to draw line as presently proposed.