

Kerala High Court

Paulson vs Kerala State Electricity Board on 5 March, 2010

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 7200 of 2010(Y)

1. PAULSON, S/O. OUSEPH
... Petitioner
2. HAMEED, S/O. MOIDEENKUTTY HAJI
3. KUNJU MUHAMMED, S/O. UNNAYANKUTTY HAJI

Vs

1. KERALA STATE ELECTRICITY BOARD
... Respondent
2. THE ASSISTANT EXECUTIVE ENGINEER
3. THE ADDITIONAL DISTRICT MAGISTRATE
4. POWER GRID CORPORATION OF INDIA LTD

For Petitioner : SRI. BIJU ABRAHAM

For Respondent : No Appearance

The Hon'ble MR. Justice P.R. RAMACHANDRA MENON

Dated : 05/03/2010

O R D E R

P.R. RAMACHANDRA MENON, J.

.....
W.P.(C) No. 7200 OF 2010
.....

Dated this the 5th March , 2010

J U D G M E N T

The grievance of the petitioners is that respondent Nos. 1 and 2 are trying to draw 220 K.V. electric line by installing a tower in the property of the second and third petitioners and that drawing of the lines across the property is without getting consent of the petitioners and even without any regard to the pendency of Exts. P2 and P3 representations preferred before the first and second respondents respectively.

2. The learned Counsel for the petitioners submits that the objection raised by the petitioners is liable to be caused to be considered by the third respondent, who is the statutory authority in this regard and that the drawing of the lines as well as installation of the tower can be effected only subject to the orders to be passed by the third respondent.

3. Heard the learned Standing Counsel for the respondents W.P.(C) No. 7200 of 2010 1 and 2 and the learned Standing Counsel for the 4th respondent as well as the learned Government Pleader appearing for the third respondent.

4. The learned Standing Counsel appearing for the 4th respondent submits that the petitioner had approached this Court earlier for similar reliefs confined against the 4th respondent by filing W.P.(C)No.6582 of 2010. The position was brought to the notice of this Court, on instruction, that the line was being drawn not at the instance of the 4th respondent but only at the instance of Board itself, upon which, the said Writ Petition was dismissed as withdrawn. Despite the above circumstance, the petitioners have approached this Court again for similar reliefs, also against the 4th respondent, which is devoid of any merit or bonafides, submits the learned Standing Counsel.

5. After considering the facts and circumstances, the respondents 1 and 2 are directed to cause Exts.P2 and P3 representation to be referred to the third respondent/ADM within one week. On such reference, the matter shall be considered and finalised by the third respondent/ADM in accordance with law, W.P.(C) No. 7200 of 2010 after giving an opportunity of hearing to all concerned, as expeditiously as possible, at any rate within one month from the date of receipt of such reference. It is made clear that installation of the tower as well as drawing of electric line by the respondents 1 and 2 shall be subject to the orders to be passed by the third respondent/ADM in the above proceedings.

The Writ Petition is disposed of as above.

P.R. RAMACHANDRA MENON, JUDGE.

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