

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE B.P.RAY

FRIDAY, THE 29TH DAY OF JUNE 2012/8TH ASHADHA 1934

WP(C) .No. 26357 of 2010 (T)  
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PETITIONER(S) :  
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SAROJINI, W/O. LATE NARAYANA MOOTHAN,  
RESIDING AT HOUSE NO.27/331, L.P.MADAM, CHAKKANTHARA  
PALLIPPURAM P.O., PALAKKAD-678 006.

BY ADVS. SRI.T.C.SURESH MENON  
SRI.JIBU P THOMAS  
SRI.P.S.APPU  
SRI.C.A.ANOOP

RESPONDENT(S) :  
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1. THE ADDITIONAL DISTRICT MAGISTRATE,  
PALAKKAD-678 001.
2. THE ASSISTANT EXECUTIVE ENGINEER,  
ELECTRICAL SUB DIVISION, KERALA STATE ELECTRICITY  
BOARD, SULTANPET, PALAKKAD-678 001.
3. RAJAN, S/O. RAMANKUTTY,  
RESIDING AT HOUSE NO.27/332, L.P.MADAM, CHAKKANTHARA  
PALAKKAD-678 006.

SRI SANTHALINGAM, SC FOR KSEB  
BY GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
29-06-2012, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

SU/-

APPENDIX

PETITIONER'S EXHIBITS:

- P1: COPY OF THE INTERIM ORDER IN R.F.A.NO.549 OF 2006 ON THE FILE OF THIS HONOURABLE COURT DATED 10-6-2009.
- P2: COPY OF THE APPLICATION MADE BY THE SECOND RESPONDENT DATED 3-5-2010.
- P3: COPY OF THE OBJECTION FILED BY THE PETITIONER DATED 28-5-2010.
- P4: COPY OF THE ORDER PASSED BY THE FIRST RESPONDENT DATED 7-7-2010.

RESPONDENT'S EXHIBITS:

- R2 (A) : ROUGH SKETCH SHOWING THE ELECTRIC LINE ROUTE APPROVED BY THE 1ST RESPONDENT.
- R3 (A) : COPY OF THE AGREEMENT DATED 15-5-2002.
- R3 (B) : COPY OF THE WRITTEN STATEMENT FILED BY THE PETITIONER IN O.S.NO.194 OF 2003.
- R3 (C) : COPY OF THE COMMISSION REPORT DATED 14-11-2003.
- R3 (D) : COPY OF THE JUDGMENT DATED 12-1-2006 IN O.S.NO.194 OF 2003 OF THE SUB COURT PALAKKAD.
- R3 (E) : COPY OF THE REPLY AND SKETCH SENT BY THE EXECUTIVE ENGINEER KSEB.

/TRUE COPY/

P.A. TO JUDGE

SU/-

**B.P.RAY,J.**

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**W.P.(C) .No.26357 of 2010**  
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**Dated this the 29<sup>th</sup> day of June, 2012**

**JUDGMENT**

Heard the learned counsel for the petitioner. The grievance of the petitioner is that the post from which the electric line is to be drawn to the property of the 3<sup>rd</sup> respondent is on the pathway of the petitioner and which is the subject matter of the appeal pending before this Court and in the event, the petitioner succeeds in the appeal, the 2<sup>nd</sup> respondent should remove the post which is on the disputed pathway, at the cost of the 3<sup>rd</sup> respondent. The claim appears to be genuine.

Therefore, I direct that in the event the petitioner succeeds in the appeal, the 2<sup>nd</sup> respondent shall remove the post erected on the disputed pathway at the cost of the 3<sup>rd</sup> respondent.

The writ petition is disposed of with the aforesaid directions.

**B.P.RAY, JUDGE**

**su/-**