

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 30TH DAY OF SEPTEMBER 2022 / 8TH ASWINA, 1944

WP (C) NO. 31194 OF 2022

PETITIONER/S:

HAMSA
AGED 43 YEARS
S/O MOIDEEN KUTTY

AKAPRAMBIL HOUSE, CHUNAGAD P.O., OTTAPALAM PALAKKAD
671 599 REPRESENTED BY POWER OF ATTORNEY HOLDER
PANDARAKKOTIL HASSAN, PANDARAKKOTIL HOUSE,
AMBALAPPARA II, CHUNANGAD P.O., PALAKKAD

BY ADVS.
I.DINESH MENON
L.RAJESH NARAYAN

RESPONDENT/S:

THE ADDITIONAL DISTRICT MAGISTRATE
PALAKKAD OFFICE OF THE ADDITIONAL DISTRICT MAGISTRATE
COLLECTORATE P.O., PALAKKAD 678 001

THE ASST. EXECUTIVE ENGINEER, ELECTRICAL SUB
DIVISINO, SHORNU, KALLIPADAM P.O. PALAKKAD 679 122

THE DEPUTY CHIEF ENGINEER KSEB LTD. SHORNUR DIVISION
SHORNUR PALAKKAD 679 121

THE EXECUTIVE ENGINEER, KSEB LIMITED, ELECTRICAL
SECTION AMBALAPARA, AMBALAPARA P.O, PALAKKAD 679 512

SHAHUL HAMEED, S/O MUHAMMED, ADICHIRA HOUSE, CHUNAGAD
P.O PALAKKAD 679 51

MOIDEENKUTTY S/O ALI ADICHIRA HOUSE, CHUNAGAD P.O
PALAKKAD 679 511

USMAN, S/O ALI, MOOCHIKKAL HOUSE, CHUNAGAD P.O,
PALAKKAD 679 511

SRI.V.K.SUNIL, SR.GP, SRI.R.HARISHANKAR, SC,KSEB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.09.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J

W.P.(C) No.31194 of 2022

Dated this the 30th day of September, 2022

JUDGMENT

The above writ petition is filed with following prayers :

(I) “Issue a writ in the nature of certiorari or any other appropriate writ, order or direction calling for the records leading to Ext.P5 and quash the same

(II) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to reconsider the matter considering Ext.P4 objection submitted by the petitioner and also the alternative proposal

(III) Issue any such other writ, direction or orders, which this Hon'ble Court may deem fit and proper considering the facts and circumstances of the case

(IV) To dispense with filing of the translation of vernacular documents produced as exhibits in the writ petition. “ [SIC]

2. The petitioner is aggrieved by Ext.P5 order passed by the Addl. District Magistrate allowing the application submitted

by the Kerala State Electricity Board for removing the obstruction. When this writ petition came up for consideration, the learned counsel for the petitioner submitted that as per the impugned order, the permission is granted to shift the electric post from point C to D mentioned in Ext.P2 sketch. He is not aggrieved by the same. He want a change of post B mentioned in Ext.P2 plan to the pathway. The counsel for the petitioner submitted that he will submit a separate representation before the competent authority and there may be a direction to consider the same. The counsel for the petitioner also submitted that the petitioner is ready to pay the cost for shifting post B to the pathway.

3. Heard the learned counsel for the petitioner and the learned Government Pleader. Heard the learned Standing Counsel for the Electricity Board.

4. After hearing both sides, I think this writ petition itself can be disposed of allowing the petitioner to submit a representation before the 2nd respondent narrating his

grievance and there can be a direction to consider the same by the 2nd respondent within a time frame. If there is any objection from any other parties, the 2nd respondent will refer the matter to the Addl. District Magistrate.

Therefore, this writ petition is disposed of with the following directions :

- 1) The petitioner is free to file a representation for shifting the post B to the pathway mentioned in Ext.P2 sketch within two weeks from the date of receipt of a copy of this judgment.
- 2) Once such a representation is received, the 2nd respondent will consider the same and pass appropriate orders in it, after giving an opportunity of hearing to the petitioner and other affected parties, if any, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.
- 3) If there is any objection from any other party, the 2nd

respondent will refer the matter to the Addl. District Magistrate in accordance to law.

4) I make it clear that the 2nd respondent is free to pass appropriate orders in accordance to law.

5) The petitioner will produce a copy of this writ petition along with a certified copy of this judgment before the 2nd respondent for compliance.

Sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

SKS

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE JUDGMENT DATED 15.6.2022 IN WPC
15907/22 AND 15905/22

EXT.P2 : TRUE COPY OF THE PETITION DATED 20.7.22 SUBMITTED
BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT

EXT.P3 : TRUE COPY OF THE NOTICE DATED 23.7.2022 ALONG
WITH ENGLISH TRANSLATION

EXT.P4 : TRUE COPY OF THE REPLY SUBMITTED BY THE
PETITIONER DATED 29.7.2022

EXT.P5 : TRUE COPY OF THE ORDER NO. DCPKD/9339/2022-D8
DATED 2.8.2022 ALONG WITH ENGLISH TRANSLATION

RESPONDENT'S EXHIBITS : NIL