

Chakradharan Vs State of Kerala and Others

Court: High Court Of Kerala

Date of Decision: March 21, 2012

Hon'ble Judges: C.N. Ramachandran Nair, J; Babu Mathew P. Joseph, J

Bench: Division Bench

Advocate: Aswin Gopakumar, for the Appellant; Sajeevkumar K.Gopal, SC, KSEB, for the Respondent

Final Decision: Dismissed

Judgement

Ramachandran Nair, J.

This Writ Appeal is filed raising a technical grievance that the appellant was not heard by the ADM before

permitting drawal of electric line over the appellant's property to give connection to the applicant. We have heard learned counsel appearing for

the appellant and learned Standing Counsel for the KSEB. After hearing both sides and after seeing the sketch produced as Ext.R4(a), we notice

that line drawn is over a pathway without even involving cutting of a tree or even a branch of it. The ADM has specifically instructed that post

should be inserted without affecting the right of way. This Court has consistently held that electric line for giving connection should be drawn as far

as possible on public roads and public pathways, so that enjoyment of private property is not affected. In this case, the line is permitted to be

drawn strictly in accordance with the law declared by this Court. Further, the appellant has not suggested any alternate route through which line

can be drawn without causing any inconvenience to anybody.

Consequently, this Writ Appeal fails and is dismissed.