

(2012) 03 KL CK 0209

High Court Of Kerala

Case No: WA. No. 540 of 2012 in WPC/18117 of 2009

Chakradharan

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

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.