

Rahul Krishnan vs the Electrical Inspector

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Court : Kerala

Decided On : Feb-13-2024

Judge : Honourable Mr. Justice Gopinath P.

Appeal No. : WP(C)/27392/2015

Appellant : Rahul Krishnan

Respondent : The Electrical Inspector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.
TUESDAY, THE 13TH DAY OF FEBRUARY 2024 / 24TH MAGHA, 1945
WP(C) NO. 27392 OF 2015 PETITIONER : RAHUL KRISHNAN AGED
34 YEARS SON OF T.N.RADHAKRISHNA PILLAI, SWAGATH
ORGANIC FARM TRADING, EDAPPON, NOORANAD, IRIANIKKUZHI
P.O., CHENGANNUR, ALAPPUZHA DISTRICT. BY ADVS.
SRI.G.HARIHARAN SRI.PRAVEEN.H. RESPONDENTS :

1 THE ELECTRICAL INSPECTOR ELECTRICAL INSPECTORATE
DEPARTMENT, OFFICE OF THE DISTRICT ELECTRICAL
INSPECTOR, THIRUMALA DEVASWOM BOARD BUILDINGS,

ALAPPUZHA - 688 001. 2 THE ASSISTANT ENGINEER KERALA STATE ELECTRICITY BOARD, LINE MAINTENANCE SECTION, EDAPPON, PATTOOR P.O., ALAPPUZHA - 689 501. 3 THE DEPUTY CHIEF ENGINEER TRANSMISSION CIRCLE, ALAPPUZHA - 688 001. 4 THE EXECUTIVE ENGINEER TRANSMISSION DIVISION, MAVELIKKARA, ALAPPUZHA DISTRICT - 690 101. 5 THE ASSISTANT EXECUTIVE ENGINEER KERALA STATE ELECTRICITY BOARD, TRANSMISSION SUB DIVISION, EDAPPON, ALAPPUZHA DISTRICT - 689 501. BY ADVS. R.HARISHANKAR SRI.V.V.BINU, SC, KERALA STATE ELECTRICITY BOARD LIMITED

OTHER PRESENT: SRI. NIRMAL S -SC THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13.02.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner has approached this Court

challenging Exts.P1 and P2 notices requiring the petitioner to demolish a cattle shed put up by the petitioner under a 110 KV electric transmission line passing through the property of the petitioner allegedly in violation of Regulation 61 of the Central Electrical Authority (Measures Relating to Safety and Electrical Supply) Regulations, 2010.

2. The learned counsel appearing for the

petitioner would submit that the structure in question is only a cattle shed and the same had been put up on the bonafide belief that the vertical clearance of 4.7 metres

was available. It is submitted that the provisions of Regulation 63 also contemplate that on the person concerned being ready to meet the cost of shifting the electrical line, the structures need not be demolished. It is submitted that the implementation of Exts.P1 and P2 will cause serious prejudice to the petitioner, as the petitioner is a self-employed youth engaged in organic farming.

3. The learned Government Pleader

appearing for the first respondent and the learned Standing appearing for R2 to R5 would contend that the petitioner is not entitled to any relief. It is submitted that the line in question is a 110 KV transmission line, which cannot be shifted in any manner. It is submitted that the line in question had been established in the year 1954 and the petitioner had put up structures violating the vertical distance regulation only recently. It is submitted that, since the question of shifting a 110 KV transmission line does not arise the question of the petitioner bearing the cost of shifting of the electrical line also does not

arise. It is also submitted that the shifting is not technically feasible and that the cost of a shifting will be enormous, if at all the decision is taken to shift the line.

4. Having heard the learned counsel

appearing for the petitioner, the learned Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for R2 to R5, I am of the opinion that the petitioner has not made out any case for grant of the reliefs sought for in the writ petition. It is not disputed before me that the transmission line in

question was established in the year 1954. The construction of the cattle shed by the petitioner is much later. (about 10 years ago). There is a clear violation of the vertical clearance requirement, which is prescribed in terms of the Regulation 61 of the Central Electrical Authority (Measures Relating to Safety and Electrical Supply) Regulations, 2010. The available clearance is only 2.95 metres in the place of the required 4.7 metres. Since the aforesaid Regulations deal with the aspect of safety, no dilution of the said Regulations is permissible under law.

The learned Government Pleader has also pointed out that the shifting of the electrical line is also not technically feasible. In such circumstances, no relief can be granted to the petitioner. The writ petition fails and it is, accordingly, dismissed. Sd/- GOPINATH P., JUDGE rkj APPENDIX OF WP(C) 27392/2015 PETITIONER EXHIBITS EXHIBIT P1 TRUE COPY OF THE NOTICE DATED 13.07.2015

ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER. EXHIBIT P2 TRUE COPY OF THE NOTICE DATED 20.07.2015 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

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