

STATE ELECTRICITY OMBUDSMAN

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REPRESENTATION No: P 103/09

Appellant : Sri V.C.Sasidharan

Karthika, Edathala (N)(Po)

ALUVA 683564

Respondent: Kerala State Electricity Board

Represented by

The Assistant Executive Engineer

Electrical Sub Division Punnayoorukulam trichur Dt

ORDER

Sri V.C.Sasidharan ,Karthika, Edathala submitted a representation on 12.10.2009 seeking the following relief:

Shifting of electric line drawn without consent of the owner of the property under electrical section Punnayurkulam to provide connection to Ossaruveetil Aboobacker

Counter statement of the Respondent was obtained and hearing conducted on 13.11.2009. KSEB had constructed an LT single phase service line to give connection to Cons: No: 25109 Ossaruveetil Abubacker on 28.8.2008. The length of the service line is 22M OH and 22M WP .

The Appellant alleges that the poles and service line are erected encroaching the property owned by his mother , who is no more, and the properties belonging to the mother are under the possession of a receiver consequent to disputes between the legal heirs. The Appellant also alleges that consent from the owners of the property is not obtained . KSEB states that the poles and lines are erected along the pathway leading to the house of Sri Abubacker. The width of the pathway and boundary of the property are not physically marked for verification. KSEB claims that they had done the work after consulting the local citizens and Panchayath member on the pathway to Sri Abubacker's house. None of the legal heirs of the property could be contacted locally. Due to the raging disputes between the heirs, likely hood of getting the consent was also remote. If it is proved later that the line/poles are inside the property later, it shall be shifted to the actual pathway. The Appellant agreed that neither the boundary nor pathway had been physically marked at site. The Appellant has a genuine concern on the feasibility of shifting the line in future, once the family disputes are over and the land is earmarked to any individual heir. It is clear that the issues involved in this case essentially involve the lack of clarity on the boundary of the property of the Appellant family, disputes on the width as well as layout of pathway etc. These issues are to be looked into and decided by the Revenue Authorities. In view of the fact that around 12 heirs are legally fighting out for their

property rights and shares, the question of obtaining any consent for property crossing is not practical. This should not result in denying an electric connection to one person who is reported to be disabled and poor.

Under the above circumstances I am inclined to approve the action of the KSEB in giving connection to Sri Aboobacker.

How ever KSEB has reported that they have taken up the issues to the Revenue Authorities (ADM) for a decision on the matter, which is a correct step. The Appellant can present their case before the ADM .

If the genuine legal heir of the disputed property approach the KSEB or if ADM order to shift the lines/poles, the cost of the work should be born by the KSEB or the beneficiaries if such shifting is technically feasible.

Upon perusing the above petition and the counter affidavit filed by Respondent along with all the connected records relating to the case and upon hearing the arguments of both sides the following orders are issued:

1. *The arguments/claims/points raised by the Appellant in support of the reliefs sought for are devoid of merit and hence the reliefs are not allowed and the representation is dismissed*
2. *No order on costs.*

Dated this the 14th day of January 2010 ,

P.PARAMESWARAN
Electricity Ombudsman

No P 103 /09/ 469 / dated 14.1.2010

Forwarded to: 1. Sri V.C.Sasidharan
Karthika, Edathala (N)(Po)
ALUVA 683564
2. The Assistant Executive Engineer
Electrical Sub Division Punnayoorkulam Trichur Dt

Copy to :

1. The Secretary,
Kerala State Electricity Regulatory Commission
KPFC Bhavanam, Vellayambalam,
Thiruvananthapuram 695010
2. The Secretary ,KSE Board,
VaidyuthiBhavanam ,Thiruvananthapuram 695004
3. The Chairman , CGRF,KSE Board ,
Power House Ernakulam

