

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT

THE HONOURABLE MR. JUSTICE GOPINATH P.

TUESDAY, THE 3RD DAY OF DECEMBER 2024 / 12TH AGRAHAYANA, 1946

WP(C) NO. 19754 OF 2024

PETITIONER(S):

CABLE OPERATORS ASSOCIATION, KERALA STATE COMMITTEE, HAVING THEIR
OFFICE ADDRESS AT COA BHAVAN, 4TH CROSS ROAD, THOUNDAYIL ROAD,
PANAMPILLY NAGAR, REPRESENTED BY ITS PRESIDENT PRAVEEN MOHAN,
PIN-682036

RESPONDENT(S):

1. STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY, DEPARTMENT OF
POWER, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001
2. THE KERALA STATE ELECTRICITY BOARD LIMITED, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR, VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM, PIN-695004
3. BOARD OF DIRECTORS, REPRESENTED BY COMPANY SECRETARY (IN CHARGE),
OFFICE OF THE KERALA STATE ELECTRICITY BOARD LIMITED, VYDYUTHI
BHAVAN, PATTOM, THIRUVANANTHAPURAM, PIN-695004
4. DIRECTOR (DISTRIBUTION, IT & SCM), OFFICE OF THE KERALA STATE
ELECTRICITY BOARD LIMITED, VYDYUTHI BHAVAN, PATTOM,
THIRUVANANTHAPURAM, PIN-695004

Writ Petition (Civil) praying inter alia that in the circumstances
stated in the affidavit filed along with the WP(C) the High Court be
pleased to pass an interim order restraining the Respondent No.2 and the
officers working under it from dismantling any of the cables drawn by the
members of the Petitioner Association through the electric poles of KSEBL
for providing cable TV and Broad Band Services to its subscribers.

This petition again coming on for orders upon perusing the petition
and the affidavit filed in support of WP(C) and this Court's order dated
21-11-2024 and upon hearing the arguments of M/S. M.P. SHAMEEM AHAMED,
AKHIL PHILIP MANITHOTTIYIL & DANIYA RASHEED PALLIYALIL, Advocates for the
petitioners, the court passed the following:

GOPINATH P., J.

W.P (C) No. 19754 OF 2024

&

W.P (C) No. 40017 OF 2024

DATED THIS THE 3rd DAY OF DECEMBER, 2024

ORDER

The learned Standing counsel for the respondent – Kerala State Electricity Board Ltd., (KSEB) points out that W.P (C) No.19754/2024 may not be maintainable in its present form as the writ petition is filed by an Association having about 3982 members without paying court fee for each of the members of the Association.

2. The learned counsel for the petitioner undertakes that court fee will be paid for each of the members of the petitioner Association by the next posting date. This is recorded,

3. The learned Standing counsel for the KSEB seeks time to file counter affidavit in W.P (C) No.40017/2024. Post W.P (C) No.40017/2024 after 10 days.

4. The Standing counsel for the KSEB also directed to place on record the guidelines issued by the KSEB (including those relating to safety) issued by the KSEB for drawing cables through electric posts. The affidavit shall also point out any other statutory regulations that may be applicable. The affidavit shall also indicate the steps taken to ensure that

W.P (C) Nos.19754 & 40017/2024

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the cables drawn through the posts of KSEB are drawn complying with the safety regulations and other statutory provisions and as to why action has not been taken thus far to remove cables that are drawn without complying with the safety regulations.

Sd/-
GOPINATH P.
JUDGE

AMG



APPENDIX OF WP(C) 19754/2024

Exhibit P1	TRUE COPY OF THE REGISTRATION CERTIFICATE OF COA WITH SL.NO.EKM/TC/618/2017 DATED 19.10.2017
Exhibit P2	THE DETAILS OF THE MEMBERS OF CABLE TV OPERATORS ASSOCIATION (COA)
Exhibit P3	COPY OF THE G.O.(MS)NO.9/2021/POWER DATED TRIVANDRUM 26.02.2021
Exhibit P4	COPY OF THE B.O(DB)NO.514/2021(D(D&IT)/D5CABLE-POLES/2021-22/0001) DATED, TVPM 05.07.2021
Exhibit P5	A COPY OF THE MINUTES DATED 02.01.2023 OF THE MEETING HELD ON 27.12.2022 BETWEEN THE PETITIONER ASSOCIATION AND DIRECTOR (DISTRIBUTION) OF KSEB
Exhibit P6	A COPY OF THE LETTER DATED 24.01.2023 ISSUED BY THE DIRECTOR (DISTRIBUTION, &IT SCM) OF KSEBL
Exhibit P7	A COPY OF THE LETTER DATED 12.06.2023 SENT BY THE 2ND RESPONDENT TO THE 1ST RESPONDENT
Exhibit P8	A COPY OF THE LETTER DATED 06.07.2023 GIVEN BY THE PETITIONER ASSOCIATION TO THE 2ND RESPONDENT
Exhibit P9	COPY OF THE LETTER DATED 14.08.2023 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER
Exhibit P10	A COPY OF THE LETTER DATED 24.01.2024
Exhibit P 11	A COPY OF THE INTERIM ORDER IN WP(C) 16469 / 2024 DATED 25.04.2024
Exhibit P12	COPY OF THE LETTER DATED 17.02.2024 ISSUED BY THE 2ND RESPONDENT TO MR.SANJAYAN, M/S KAILASH CABLE NETWORK
Exhibit P13	COPY OF THE LETTER DATED 27.01.2024 ISSUED BY THE 2ND RESPONDENT TO MR.SHIBU
Exhibit P 14	COPY OF THE INTERIM ORDER DATED 28.10.2023 IN WP(C) 35038 / 2023
Exhibit P 15	COPY OF THE INTERIM ORDER DATED 25.03.2024 IN WP(C) 11586 / 2024
Exhibit P16	COPY OF THE INTERIM ORDER DATED 01.07.2022 IN WP(C) 21277 / 2022
Exhibit P 17	COPY OF THE INTERIM ORDER DATED 09.04.2024 IN WP(C) 14563 / 2024
Exhibit P 18	A COPY OF THE REPRESENTATION DATED 30.01.2024
Exhibit P19	COPY OF THE G.O.(MS) NO. 14/2021/POWER DATED 08.07.2021