

**BEFORE THE KERALA STATE HUMAN RIGHTS COMMISSION,
THIRUVANANTHAPURAM**

**Present: Mr.Justice N.Dhinakar,
Hon'ble Chairperson**

Dated this the 8 th March, 2010.

H.R.M.P.No.757 of 2009

Petitioner : Ashas Kumar V.P., Valiyaveetil,
Kizhakkepram, Thathappally.P.O,
N.Paravur.

Respondent :

ORDER

The complaint of the petitioner is that on 19-9-2002, the Village Officer, Kottuvally, effected legal attachments of his house hold articles in a revenue recovery proceedings and after six months he received a notice from the Tahsildar that the above R R proceedings were initiated by mistake and also to collect the above house hold articles from Kottuvally Village Office where he found the articles damaged and not fit for use. According to him, he filed a petition before the Vaidyuthi Adalath in the matter and the Deputy Chief Engineer, Perumbavoor, advised him to approach the Court to redress his grievance and that on account of his impecunious situation he cannot approach the Court and hence he prays for action by this Commission.

In the report submitted by the Secretary, Kerala State Electricity Board (KSEB), Thiruvananthapuram, it is stated that the allegations in the petition filed by the petitioner are false. According to the report, the R R proceedings were

initiated against A.K.Jacob, Akanath, Nedungad, Nayarambalam, who is the registered owner of consumer No.1335 LT IV to realize Rs.25,329/- towards the arrears of electricity charges during July 2000 and the said Jacob filed O.P.4646/01 on 9-2-2009 before the High Court to avoid the R R proceedings initiated against him and the High Court, in CMP No.7706/01 dated 22-1-2002 directed to continue the R R proceedings against the petitioner who is the fifth respondent in the said O.P. In the report it is further stated that as the Board is liable to implement the order of the High Court a letter was sent to the District Collector, Ernakulam, on 23-3-2002 requesting him to initiate the R R proceedings against the petitioner (R5 in the O.P) and that in the final order passed by the High Court on 30-3-2006 in O.P.4646/01 the High Court ordered to proceed for recovery against the 5th respondent in the O.P (the petitioner) and also against the assets of his father. In the report it is also stated that after three years, on 2-12-2005, the petitioner filed a petition before the Executive Engineer, North Paravur, to withdraw the R R proceedings against him and thereafter he also filed a petition before the Assistant Executive Engineer, Electrical Sub Division, North Paravur, on 14-11-2005 stating that the institution under Consumer No.1335 is rented out to Jacob by his father and the electricity connection was dismantled on 1-10-1997 and as the electricity charges should be collected for a period of six months after the dismantling the excess arrears may be deducted from his R R amount. In the report it is further stated that after a detailed enquiry the excess demand of Rs.19,643/- against consumer No.1335 was withdrawn vide order

No.AB/withdrawal/05-06/2732/North Paravur dated 23-12-2005 and that the consumer remitted Rs.5,688/-, the actual arrear amount, on 25-3-2006 before the concerned office.

The Secretary, KSEB, in his report further stated that the KSEB officials acted as per the order of the High Court and the petitioner filed this HRMP by hiding the above orders of the High Court and that more over the petitioner has not filed any appeal before the High Court against the orders. The Secretary has annexed the above orders with the report.

The above report shows that the KSEB officials initiated revenue recovery proceedings against the petitioner based on the orders passed by the High Court and that the petitioner has not filed any appeal against the orders.

In view of the report no further orders are required on this petition since this Commission has no jurisdiction to sit over the orders of the High Court and if the petitioner has any grievance he has to seek his remedy before the appropriate forum.

The petition is accordingly closed.

Justice N. Dhinakar,
Chairperson.