

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.15974 of 2011

Date:20.8.2015

Between:

Reddy Appalanaidu,
S/o Moothu Naidu

..... **Petitioner**

And:

The A.P. Electrical Power Distribution
Company Limited, Visakhapatnam,
reptd., by its Superintendent Engineer
and two others.

.....**Respondents**

Counsel for the Petitioner: Mr. T.D.Phani Kumar

Counsel for the Respondents: Mr. T.V.Sriman

For Mr. M.Ravindra
Standing Counsel for APEPDCL

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of the respondents in erecting poles, for laying the 11 KV Electrical Line, in the fields of the petitioner admeasuring Acres 2.24 cents in Survey No.42/4 and Acres.0.14 cents in Survey No.46/4 of Nunaparthi Village, Atchutapuram Mandal, Visakhapatnam District, as illegal and arbitrary.

In the counter-affidavit filed on behalf of respondent No.1-Superintendent Engineer, APEPDCL, Visakhapatnam, it is *inter alia* stated that two farmers, viz., Sri Reddy Tammunaidu and Sri Reddy Appa Rao,

residents of Nunaparthi Village, made applications for release of agricultural service to their fields situated adjacent to the petitioner's lands; that as per the field condition, an estimate was prepared, after inspecting the fields, for release of 3-Phase supply to a connected load of 2 Nos. of 5 Horse Power each; that from the field inspection, it is found that already S-Phase L.T. Line feeding the household services is in existence, which is passing through the boundary line of the land of the petitioner as well as the said two farmers; and that therefore, an estimate was prepared and sanctioned by respondent No.2 as per the Departmental Rules.

It is further stated that as an L.T. line is already in existence, the respondents are not proposing to lay any fresh line through the lands of the petitioner and that they are only extending power supply to the fields of the aforesaid two farmers from the existing line.

The counter-affidavit further stated that evidently, due to some differences between the aforesaid two farmers and the petitioner, the latter is seeking to stall release of power supply.

No reply-affidavit is filed controverting the above submissions in the counter-affidavit.

Inasmuch as the respondents have asserted that no new line is being laid over the petitioner's lands and that power supply is proposed to be extended to the fields of the aforesaid two farmers from the existing electrical line, the petitioner failed to make out a case for issue of *Mandamus*.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, interim order, dated 13.6.2011, is vacated and WPMP.No.19134 of 2011 and WVMP.No.2471 of 2011 are dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th August 2015
DR*