

THE HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.5414 of 2015

ORDER:

Heard the learned counsel for petitioner, Smt.J.Koteswari Devi, learned Standing Counsel for respondent Nos.1 to 5 and Sri N.Satyanarayana, learned counsel for respondent Nos.7 and 8.

2. In this Writ Petition, the petitioner is seeking shifting of existing electrical transformer in front of petitioner's house to a nearby earmarked place where a pial was also constructed for the said purpose by respondent Nos.1 to 5.

3. Petitioner has purchased from respondent Nos.7 and 8 under registered sale deed dt.26-08-2004 an extent of 160 s q . yds in Sy.No.865 of Kandukuru, KandukurMandal, Prakasam District. Petitioner contends he obtained physical delivery of the said plot and also obtained permission for construction of a building from

6th respondent and erected a structure therein, which was allotted door No.19-02-90. Petitioner complains that respondent Nos.1 to 5 had erected an electrical transformer abutting his house and obstructing passage to his house and also the front elevation to his house and he also applied to respondent Nos.1 to 5 for shifting of the same enclosing documents of title to the property etc.

4. He contended that the officials of respondent Nos.1 to 5 have identified a nearby site and even erected a pial for erecting the transformer but on certain objections by respondent Nos.7 and 8, they are not shifting the transformer to the said pial.

5. Respondent Nos.1 to 5 have filed counter affidavits admitting that they had received an application for shifting of transformer located in front of the house of petitioner to another place and they also collected necessary charges from him. They allege that respondent Nos.7 and 8 objected for transfer to the new place.

6. Learned counsel for respondent Nos.7 and 8 sought time to file counter and contended that respondent Nos.7 and 8 are objecting to the shifting of the transformer.

7. In my considered opinion, respondent Nos.7 and 8 cannot oppose the shifting of transformer from the front of the petitioner's property to a different place and if they have any dispute with petitioner, they are at liberty to approach the competent Civil Court for adjudication of the same. Respondent Nos.1 to 5, having accepted petitioner's application for shifting of transformer and having received requisite fee there for and having also erected a new pial in the nearby place for locating the transformer, cannot under

the influence of respondent Nos.7 and 8, decline shifting the transformer.

8. The Writ Petition is allowed and the inaction of respondent Nos.1 to 5 to shift the existing electrical transformer located in front of the house of petitioner to the nearby earmarked safe place is arbitrary, illegal and consequently direction is given to respondent Nos.1 to 5 to shift it to the place earmarked by respondent Nos.1 to 5 in the Municipal Road of Kandukuru, Prakasam District. No costs.

9. As a sequel, miscellaneous petitions pending if any, shall stand closed.

JUSTICE M.S. RAMACHANDRA RAO

Date: 30-12-2015

Vsv