

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION Nos.14016 and 15526 of 2015

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COMMON ORDER:

These two cases are being disposed of by this common order after hearing the learned counsel for the parties.

2. W.P.No.14016 of 2015 is filed challenging the proceedings of the third respondent dated 09.01.2015 granting permission for electricity service connection to the land of the fifth respondent in survey Nos.535/A and 534/A, situated at K.V.Palle Village & Mandal, Chittoor District.

3. W.P.No.15526 of 2015 is filed challenging the action of respondents 2 to 4 in not releasing power supply to the petitioner's agricultural land. The petitioner in W.P.No.15526 of 2015 is none other than the fifth respondent in W.P.No.14016 of 2015.

4. The undisputed facts in these cases are that an extent of land Acs.4-00 cents in survey No.535, situated at K.V.Palle Village & Mandal, Chittoor District originally belongs to one Nagi Reddy, who is the paternal grandfather of the first petitioner in W.P.No.14016 of 2015. He had four sons. The petitioner in W.P.No.15526 of 2015 is one of the sons of son of said Nagi Reddy. There are disputes with regard to partition of the said property. The grandson of Nagi Reddy, who is the petitioner in W.P.No.15526 of 2015, applied for an electricity service connection in respect of the land of an extent of Ac.1-50 cents in survey No.535/A and an extent of Ac.1-00 cents in survey No.534/A1 and the authorities decided to issue the service connection. It appears that the first petitioner in W.P.No.14016 of 2015, who is the granddaughter of said Nagi Reddy, issued a notice through her advocate to the authorities on 13.09.2014 and when the same was not taken into consideration, she filed W.P.No.31673 of 2014 and it was disposed of on 21.10.2014 directing the authorities to

consider the same and pass orders before taking a decision for issuance of electricity supply. The Divisional Engineer, in response to the order and after considering the notice, sent a reply on 09.01.2015 to the petitioners in W.P.No.14016 of 2015 stating that since the petitioner in W.P.No.15526 of 2015 had complied with the formalities and the Village Revenue Officer had issued a certificate recommending for issuance of connection, the Department decided to issue the service connection to him. Challenging the same, W.P.No.14016 of 2015 was filed, whereas W.P.No.15526 of 2015 was filed challenging the inaction of the authorities.

5. The learned counsel for the petitioner in W.P.No.14016 of 2015 submitted that there are disputes with regard to partition of the land and by virtue of the grant of electricity service connection, the petitioner in W.P.No.15526 of 2015 is asserting his right and title to the disputed land. The said submission is based on misapprehension and ignoring the established legal position that obtaining of service connection or payment of tax by one joint owner does not confer the title to the said person, unless the title is otherwise conferred. If there is any dispute between the parties with regard to title to the land left by late Nagi Reddy, the parties are entitled to agitate their claims and get their rights decided in the appropriate proceedings. When the authorities decided to give an electricity service connection to a particular party in accordance with the terms and conditions of supply, the same cannot be interdicted by another joint owner on the basis of dispute with regard to the property.

6. Hence, W.P.No.14016 of 2015 is dismissed and W.P.No.15526 of 2015 is allowed and respondents 2 to 4 in W.P.No.15526 of 2015 are directed to provide necessary electricity service connection in accordance with the terms and conditions of supply forthwith. It is needless to observe that this order will not preclude the parties from agitating in a competent court for establishing their right or title to the land claimed by them. No order as to costs. Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 18.06.2015

TJMR