

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.9468 of 2011

Date:20.8.2015

Between:

Y.Ramakrishna Reddy,
S/o Muniswamy Reddy

..... **Petitioner**

And:

The District Collector,
Chittoor and two others.

.....**Respondents**

Counsel for the Petitioner: Mrs. K.Jayasree
For Mr. K.V.Subrahmanya
Narusu

Counsel for Respondent Nos.1 & 2: None appeared

Counsel for Respondent No.3: Mr. T.V.Hanuman Singh
For Mrs. Jagarlamudi Koteswari
Devi

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare the action of respondent No.3 in disconnecting the power supply to the petitioner's Service Connection No.2094 situated in Survey No.458 of Tiruchanoor Village, Tirupati Rural Mandal, Chittoor District as illegal and arbitrary.

The petitioner pleaded that he is the lawful owner of land admeasuring Acs.4.00 in Survey No.458 of Tiruchanoor Village, having purchased the same from one K.Munirama Naidu in November,1999; that he obtained electricity Service Connection bearing No.2094 for running a 5 Horse Power electrical motor for drawing

water from the well situated in the said property; that when the Tirumala Tirupati Devasthanam officials have threatened him with dispossession, he has filed O.S.No.1104 of 2004 on the file of the learned I Additional Junior Civil Judge, Tirupati for permanent injunction and that after contest, the said suit was decreed on 17.02.2009; that respondent No.2 appeared to have addressed a letter to respondent No.3 in February, 2011, *inter alia*, stating that the lands in Survey No.458 are Government lands and that they are under encroachments and has, accordingly, requested respondent No.3 to disconnect the power supply; and that yielding to the influence of respondent No.2, respondent No.3 has disconnected the power supply to the petitioner's Service Connection on 14.3.2011 without any notice.

By order, dated 08.4.2011, this Court has directed respondent No.3 to restore the power supply to the petitioner's Service Connection, subject to his paying the arrears of electricity charges, if any, and continue to pay the future consumption charges.

Mr. T.V.Hanuman Singh, learned counsel representing Mrs Jagarlamudi Koteswari Devi, the learned Standing Counsel for respondent No.3, submitted that in pursuance of the said direction, power supply was restored.

Respondent No.3 has not filed a counter-affidavit.

In the counter-affidavit filed on behalf of respondent Nos.1 and 2 it is, *inter alia*, stated that the land claimed by the petitioner is a part of Acres.149.25 cents of land situated in Survey No.458 of Tiruchanoor Village and is classified as Swarnamukhi river, which is a water course poramboke and that therefore, the petitioner cannot claim any right over the said property.

Learned counsel for respondent No.3 submitted that as respondent No.2 has informed respondent No.3, in

writing, that the land in respect of which power supply is released in favour of the petitioner belongs to the Government and requested to disconnect the power supply, the latter has disconnected the power supply.

In my opinion, the disconnection of power supply to the petitioner's Service Connection by respondent No.3 unilaterally, without putting the petitioner on notice is in violation of principles of natural justice. When the power supply was released under a bilateral agreement between the petitioner on one side and the distribution licensee on the other, fairness requires that the petitioner is put on notice before the power supply is disconnected. So long as the agreement between the parties remains in force and the petitioner has not violated the terms of the agreement and the extant statutory provisions, the licensee cannot disconnect the power supply.

In this view of the matter, the action of respondent No.3 in disconnecting the power supply to the petitioner's Service Connection, based on the purported letter addressed by respondent No.2, is declared as illegal.

The Writ Petition is, accordingly, allowed, however with liberty to respondent No.3 to initiate appropriate legal action, if he feels that the petitioner is not entitled for continuance of power supply.

As a sequel to disposal of the Writ Petition, WPMP.No.11726 of 2011 and WVMP.No.2206 of 2011 are disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*20th August 2015
DR*