

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 15178 OF 2009

Date: 18-09-2015

Between:

Tammiseti Someswara Rao.

... Petitioner

And

The Assistant Engineer Operation,
EPDC of A.P., Ltd.,
West Godavari District & another.

... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

WRIT PETITION No. 15178 OF 2009

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ORDER: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

I have perused the prayer in the writ petition and the interim order passed by this Court and made a suggestion to learned counsel for the parties for disposal of the writ petition by the order that I propose to pass and they have readily agreed for the same. The prayer in the writ petition reads thus:

"For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may please to issue a writ, order, direction more particularly, a writ in the nature of mandamus declaring the action of the 1st respondent after sanctioned proceeding Lr.No. DEE/O/TPG/AE/Comml./F.Dkt/D.No.488/2009 dt. 28.05.2009 by the Divisional Engineer Operation, Tadepalligudem for supply of electricity to the new bore-well in S.No.132, Madhavaram Village as recommended by the 2nd respondent after following due process of law by issuing the impugned proceedings No. AE/O/R/TPG/F.No./D.No.217/09, dt. 03.07.2009 by the 1st respondent and stopping the supply of electricity connection by relying upon the 2nd respondent proceedings L.Dis.512/09, dt. 24.06.2009 as illegal, improper and arbitrary consequently directing the 1st respondent to supply the electricity connection for new bore-well by relying upon the recommendation made by the 2nd respondent dt. 19.05.2009 and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the interest of justice."

This Court by way of interim order, dated 30.07.2009, directed to release power supply to the petitioner's bore well in Sy.No.132 of Madhavaram Village, Tadepalligudem Mandal, West Godavari District, within two weeks from the date of the order, subject to the petitioner complying the terms and conditions for supply.

Learned counsel for the petitioner submits that in terms of the interim order, the petitioner complied all the formalities and the power supply to his bore well was released and till today he is enjoying the power supply uninterruptedly.

Respondents have filed miscellaneous petition for vacating the interim order.

Having regard thereto and considering the nature of prayer and the interim order passed by this Court, I do not find any reason to keep either the writ petition or the miscellaneous petition pending any further and I am satisfied, the following order shall meet the ends of justice.

"The interim order, dated 30.07.2009, shall remain operative till the respondents take action against the petitioner, if they so desire and advised, after following the due process of law. This observation shall not be treated as direction to the respondents to take action. If at all there is any reason for the respondents to disconnect the power supply, they shall issue notice to the petitioner and grant him time to file his reply and also hear him before taking any action. If they pass any order adverse to the petitioner, same shall not take effect for a period of fifteen days from the date of its communication to the petitioner to enable him to take appropriate remedy against such order. All contentions of the parties on merits are kept open."

With these observations, writ petition is disposed of.

Miscellaneous petitions, if any, shall also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

Date: 18.09.2015
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