

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

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W.P.NO. 35439 OF 2015

Between:

A.K. Velu S/o A. K. Kuttiyappan aged 35 yeas , Service R/o D.No. 6-30A, Eswara Gudi Street

....Petitioner

A n d

The A.P. Southern Power Distribution Company Limited, Tirupati,
Chittoor District and four others

...Respondents

DATE OF ORDER: 31.12.2015

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION NO. 35439 OF 2015

ORDER:

In this Writ Petition, the petitioner has questioned the action of the 4th respondent directing to erect distribution transformer in front of his house plot situated in Tatithopu Street, Puttur, Chittoor District. Petitioner contends that this is done at the instance of the 5th respondent, who is the Chairman of the Local Municipal Council. According to the petitioner, his plot is only 103.75 square yards, which was purchased by his father under registered sale deed dated 5.2.2014, although the plot is presently vacant, in front of the house plot there is already a public water tap, which has reduced to the access of the plot from the road side; that he has been making efforts to construct residential house therein, but suddenly the 4th respondent, at the instance of the 5th respondent, erected 4 feet height platform in front of the petitioner's plot, thereby leaving practically no space to enter into the petitioner's plot.

An Advocate Commissioner was appointed by this Court by an order dated 3.12.2015 to visit the site and file a report as to whether the installation of the transformer by

respondents 1 to 4, in any way, obstructs the access to the plot of the petitioner, which is located adjacent to it.

In the report filed by the Advocate Commissioner, he has categorically stated that if the transformer is erected adjacent to the petitioner's plot, petitioner would have only 2 feet access from the eastern side of it and one foot access from the western side of it and that access to the petitioner's plot is restricted by the transformer as well as the existing municipal tap. It is also stated that the front side portion of the petitioner's plot is 16 feet of which municipal tap occupied as 6.6 feet and that a newly erected transformer along with cement pole will totally block the petitioner's plot.

Learned Standing Counsel for respondents 1 to 4 has not disputed any of the findings of the Advocate Commissioner. Although notice in this Writ Petition has been served on the 5th respondent, he has not appeared and made any submissions.

Since it is clear that erecting the distribution transformer in front of the petitioner's house plot severely restricts access to the petitioner's house plot and almost makes it inaccessible, the action of the respondents 1 to 4 in erecting said transformer in front of the petitioner's house plot is declared as illegal and arbitrary and respondents 1 to 4 are directed to re-locate the same in an appropriate place in the same street, if possible,

without in any way obstructing the access to the petitioner's house plot. This exercise shall be completed within four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above observation. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 31.12.2015

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