

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

WRIT PETITION No.21744 of 2015

ORDER:

Heard Sri V.Sudhakar Reddy, learned counsel for petitioner, Smt.J.Koteswari Devi, learned Standing Counsel for respondent Nos.1 to 4 and the learned Government Pleader for 5th respondent.

2. The petitioner, in this Writ Petition, has questioned the action of respondent Nos.1 to 4 in denying electricity service connection to the bore well of petitioner located in Ac.18.00 in Sy.No.50 situated at Immadicheruvu village, Veligandla Mandal, Prakasam District.
3. The petitioner claims to have obtained this property under a settlement dt.16-04-1959 executed by her grand mother. According to petitioner, her grand mother's name was mutated in all revenue records and she was also issued a ryotwari patta and that a title deed and a pattadar pass book were also issued in favour of petitioner's grand mother. The petitioner claimed that her grand mother had executed a Will bequeathing the above property in her favour and in favour of her mother, and that subsequent to the death of her grand mother, petitioner's name was mutated in the revenue records and also title deed and pattadar pass book were issued to her.
4. Petitioner contends that for agricultural purpose, she dug a bore well in her land and applied for electricity connection along with requisite fee, but the 4th respondent issued letter dt.11-04-2015

stating that there are disputes in Court with regard to Sy.No.50 and that the Village Revenue Officer stated that the Lokayukta Court was seized of the matter and so, electricity service connection cannot be provided.

5. In the counter-affidavit filed by respondent Nos.1 to 4, the same is reiterated and it is alleged that petitioner had not complied with the provisions of the A.P.Walta Act, 2002. This reason is not found in the order dt.11-04-2015 passed by the 4th respondent. It is settled law that an order is to be sustained on what it contains and it cannot be supported by fresh reasons in the form of an affidavit (**Mohinder Singh Gill and another Vs. The Chief Election Commissioner, New Delhi and others**).
6. Additional counter-affidavit was filed on behalf of respondent Nos.1 to 4 enclosing a letter dt.19-02-2015 of 4th respondent addressed to the 5th respondent stating that there is a dispute with regard to the land in Sy.No.50 pending before the Lokayukta Court and seeking advice from the latter. Another letter of the Village Revenue Officer of the Immadicheruvu village was also enclosed to the additional counter affidavit stating that the dispute to this land is pending before the Lokayukta Court. It is also stated that the Sarpanch of the village had given a complaint to the Divisional Engineer of Kanigiri Electrical Division not to grant electricity connection to the petitioner.
7. The pattadar pass book issued to the petitioner by the Revenue officials is enclosed to the Writ Petition. This is *prima facie* proof of title of petitioner. The contents of this document are also corroborated by the Adangal for 1424 fasli (2014-15). The proceedings

dt.16-04-1959 of the Additional Assistant Settlement Officer, Nellore granting patta to the grand mother of petitioner under the provisions of A.P. Estates Abolition (Conversion into Ryotwari) Act, 1948 are also relied upon by petitioner in support of her plea that her grand mother was granted patta for the land admeasuring Ac.18.00 in Sy.No.50.

8. Merely because Sarpanch of a village had filed some complaint before the Lokayukta, neither the 5th respondent nor the other Revenue officials can prevail over respondent Nos.1 to 4 not to grant electricity service connection to petitioner. Any claim which the State may have in respect of the subject property would have to be decided in an appropriate Civil Court and mere pendency of a complaint filed by the Sarpanch of the village before the Lokayukta cannot be made a ground by respondent Nos.1 to 4 to deny electricity service connection to petitioner.
9. Therefore, the Writ Petition is allowed with costs of Rs.2,000/- (Rupees Two Thousand only) to be personally paid by 4th respondent to petitioner, and respondent Nos.2 to 4 are directed to give electricity service connection to the petitioner's bore well in Sy.No.50 of Immadicheruvu village, Veligandla Mandal, Prakasam District within four (04) weeks from the date of receipt of a copy of this order.
10. As a sequel, miscellaneous petitions pending if any, in these Revisions shall stand disposed of.

JUSTICE M.S. RAMACHANDRA RAO

Date: 26-11-2015

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