

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.5865 of 2015

ORDER:

Heard Sri N.Pramod, learned counsel appearing for the petitioner and Sri P. Vinod Kumar, learned standing counsel for the respondents.

2. This writ petition is filed seeking writ of *Mandamus* declaring the action of the respondents in keeping the transfer of name in the service connection bearing No.465, for the House bearing D.No.1-186 Gajulapally Village, tavanampally Mandal, Chittoor district, effected in the name of the petitioner, in abeyance without notice or enquiry, which was given effect from the month of December, 2013 by proceedings of the 1st respondent dated 13.03.2014, as illegal and arbitrary.

3. It is submitted by the learned counsel appearing for the petitioner that the husband of the petitioner was the absolute owner of the property bearing D.No.1-186, Gajulapally Village, Tavanampally Mandal, having inherited the same from his ancestors and they have been in possession and enjoyment of the property since 40 years. While so, her husband died intestate on 10.02.2012 and the petitioner has succeeded to the interest of the deceased. Thereafter, she filed an application before the respondents to transfer the electricity service connection in her name and her request was considered and the service connection was transferred in her name after conducting enquiry. After effecting transfer in her name and also having collected the electricity charges towards the bills, the 1st respondent directed respondents 2 and 3 to keep the effect of transfer in the name of the petitioner in the service connection in abeyance on the ground that a third party has submitted an objection on 27.12.2013. The said transfer was kept in abeyance without notice to the petitioner. It is further

submitted that pursuant to the said objection made by a third party, again the service connection was restored in the name of the deceased husband of the petitioner. Hence, the petitioner filed the present writ petition seeking a direction to the respondents to restore the service connection in the name of the petitioner.

4. There is no dispute about the fact of transferring the service connection in the name of the petitioner after the death of her husband. It appears that there is a dispute in relation to the property between the petitioner and a third party. But the respondents have no right to keep the proceedings of the transfer in abeyance basing on an objection raised by a third party.

5. Under these circumstances, the writ petition is disposed of at the stage of admission, directing the respondents to restore the service connection in the name of the petitioner. Miscellaneous applications, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 10.03.2015
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