

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

W.P.No.36630 of 2015

ORDER:

Heard the learned counsel for the petitioners, Sri M.Ravindra, learned Standing Counsel for respondent Nos.2 to 4 and Sri M.Krishna Rao, learned counsel for 5th respondent.

2. Petitioner has approached this Court assailing the action of the respondent Nos.2 to 4 in disconnecting power supply to the premises where the petitioner is running pan shops.

3. Petitioners are residents of Patrunivalasa village, Srikakulam Mandal and District and they are running pan shops for which electricity supply connection was provided by the Assistant Engineer (Operations), Srikakulam Town.

4. Petitioners contend that on 09-02-1998 a lease deed was executed by one Dusa Adinarayana Rao in favour of four persons for a vacant site admeasuring 333 square yards for a period of 26 years i.e. from 09-02-1998 to 08-02-2024; that one of the lessees is the brother of 1st petitioner and one of the other lessees under the lease deed is the father of the petitioner; and that 5th respondent is attempting to dispossess the petitioners

from the aforesaid shops by claiming title to the property and by influencing respondent

Nos.2 to 4. Petitioners allege that when respondent Nos.2 to 4 attempted to disconnect the power supply to the premises in petitioners' occupation without any valid reason, petitioners filed C.C.Nos.112 and 113 of 2013 before the District Consumer Forum at Srikakulam against them; and the said forum passed orders directing the respondent Nos.2 to 4 not to disconnect the power supply to the petitioners' shops till the petitioners are evicted by the real owner by following due process of law; that since the said orders have not been challenged by 5th respondent, respondent Nos.2 to 4 cannot disconnect the electricity supply connection at the instance of 5th respondent.

5. The 5th respondent has filed a counter stating that he became owner of the property in occupation of petitioners pursuant to the sale deed dt.07-09-2011 executed in his favour by one Sahitya Kota who is allegedly an adopted son of Dusa Adinarayana Rao; and that the petitioners are harassing 5th respondent by not vacating the premises in spite of the fact that they have no subsisting lease in their favour. He alleged that the lease granted by Dusa Adinarayana Rao is only for 11 months and not for 26 years as alleged by the petitioners and that the lease deed produced by petitioners is forged

document. He however does not dispute the fact that he has not filed any suit for eviction of the petitioners from the shops in their occupation even though no rents are allegedly being paid by the petitioners to him or to his vendors.

6. The learned Standing Counsel for respondent Nos.2 to 4 Sri M.Ravindra states that this is a private dispute between the petitioners and 5th respondent and respondent Nos.2 to 4 would abide by the orders passed by the Consumer Forum in the above cases.

7. I have noted the submissions of parties.

8. The 5th respondent has not questioned the orders

dt.02-07-2013 passed in C.C.Nos.112 and 113 of 2013 in favour of the petitioners against respondent Nos.2 to 4 restraining respondent Nos.2 to 4 from disconnecting electricity supply connection to premises in petitioners' occupation till they are evicted by the real owner by following due process of law. Although he contends that he is not a party to it, and the said order does not bind him, he does not dispute that this order would bind respondent Nos.2 to 4 and prevent respondent Nos.2 to 4 from acting contrary thereto and disconnect the power supply to the petitioners' shops without any order of

eviction having been obtained by 5th respondent against petitioners from competent Civil Court.

9. By order dt.09-11-2015, this Court had directed restoration of the electricity supply connection to the petitioners shop in view of the orders passed in the above consumer cases, referred to above. Since admittedly no suits for petitioners eviction have been instituted by 5th respondent, the 5th respondent cannot compel respondent Nos.2 to 4 to disconnect power supply to the shops in the occupation of petitioners in violation of the orders dt.02-07-2013 in Consumer Case Nos.112 and 113 of 2013 passed by the District Consumer Forum, Srikakulam.

10. In this view of the matter, the Writ Petition is allowed restraining respondent Nos.2 to 4 from disconnecting the power supply to the petitioners' premises till 5th respondent obtains orders of an appropriate Civil Court for eviction of the petitioners from the subject property. W.V.M.P.No.4426 of 2015 filed by 5th respondent is consequently dismissed. No costs.

11. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-12-2015

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