

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

WRIT PETITION No.38488 OF 2014

ORDER:

Although originally this Writ Petition was filed to declare the action of the respondents in not removing the Service Connection No.132 from the premises situated in R.S.No.90/1 of Vandrum Village, Undi Mandal, West Godavari District, subsequently the petitioner has contended that the same was removed by the respondents by coercing the petitioner to make payment of Rs.6,61,365/- (which was paid on 23.03.2015) and No Dues Certificate was issued by the 1st respondent on 24.03.2015.

2. In the counter affidavit filed by the 3rd respondent, this fact is denied.

3. There is no dispute that this demand forms part of the demand which was questioned by the petitioner in O.S.No.96 of 2003 before the III Additional District Judge, Bheemavaram, that the said suit was decreed on 31.03.2012, and an appeal in ASSR No.16548 of 2012 had been filed by the respondents before this Court and it is pending.

4. Although the 3rd respondent has contended that it was the petitioner who voluntarily paid an amount of Rs.6,61,365/- on 23.03.2015 and obtained disconnection of the said Service Connection, it is difficult to accept the said

contention for the simple reason that having succeeded in the said suit, the petitioner would not have made such payment unless there is refusal on the part of the respondents to remove the Service Connection, if the amount is not paid.

5. Therefore, the Writ Petition is allowed and the respondents are directed to refund the amount of Rs.6,61,365/- paid by the petitioner on 23.03.2015 within a period of four weeks from the date of receipt of a copy of this order along with interest at 9% per annum from the said date till the date of repayment to the petitioner. The 1st respondent shall also pay costs of Rs.3,000/- to the petitioner. However, this payment to the petitioner would be subject to the result in ASSR.No.16548 of 2012.

6. As a sequel, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.S. RAMACHANDRA RAO, J

15.12.2015

Note:- Issue C.C. in a week.

(B/o)
KVR/KH