

THE HON'BLE SRI JUSTICE A.V. SESA SAI

Writ Petition No.16977 of 2015

ORDER:

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This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a writ, order or direction more particularly one in the nature of *Writ of Mandamus*, declaring the inaction on the part of the respondents 2 and 3 in not clearing of dues with regard to electricity consumption charges relating to petitioner's building bearing No.5-221/1, of Peddamiram Village, Bhimavaram Mandal, West Godavari Dist., which is having electricity connection with service No.1531490128001218 Category No.II of Kalla Section which has been used for the purpose of running hostel for College boys is illegal, arbitrary and consequently direct the respondents 2 and 3 to make immediate payment to that effect to the 4th respondent enabling them to restore the power supply to the said building in the interest of justice and to pass necessary order or orders as this Hon'ble Court may deem fit.”

Heard Sri Y. Ramatirtha, learned counsel for the petitioner and learned Government Pleader for Social Welfare (AP), apart from perusing the material available before the Court.

Pursuant to an order dated 12-07-2008 passed by the Deputy Director of Social Welfare, vide R.C.No.A3/329/2008, the house of the petitioner bearing No.5-221/1, Near SRKR Engineering College, Bhimavaram was taken on lease by the Social Welfare Department for running a College hostel for S.C. community, subject to payment of rent of Rs.11,880/- per month. It is stated in the affidavit that till 28-02-

2013 the building of the petitioner herein was in use and occupation of the Social Welfare Department, and it was vacated on 27-02-2013. It is further stated that because of the default in payment of electricity consumption charges, the respondents 4 and 5 disconnected the power supply to the premises of the petitioner. When the said non-payment was brought to the notice of the Deputy Director of Social Welfare Department, West Godavari District, at Eluru, the 6th respondent herein, she addressed a letter

in Rc.No.B5/503/2012, in April, 2015, to the 4th respondent, stating that action was being taken for clearing the pending bills and further requested to restore the power supply to the subject premises. It is stated that in spite of the same, no action is taken to clear the pending bills. In the above background, and complaining the failure on the part of the Social Welfare Department in clearing the electricity consumption charges, the present writ petition is filed.

The material available on record clearly and categorically discloses that there is absolutely no dispute with regard to the amounts that are payable by the social welfare department to the electricity department, towards the electricity consumption charges in respect of the premises in question.

In the considered opinion of this Court, having consumed the electricity from respondents 4 and 5, there is absolutely no justification on the part of the social welfare department in not clearing the dues in respect of the building of the petitioner. In view of the inaction, the petitioner is obviously put to loss, due to lack of power supply.

For the aforesaid reasons, and having regard to the nature of controversy, the writ petition is disposed of, directing the respondents 1 to 3 and 6, to pay the pending electricity bills pertaining to the Service

Connection of the building premises of the petitioner bearing No.1531490128001218 - Category No.II of Kalla Section, to the 4th respondent within a period of one month from the date of receipt of a copy of this order. On receipt of the same, the respondents 4 and 5 shall restore the power supply to the premises of the petitioner.

The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.01-07-2015.

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