

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.5961 of 2015

ORDER:

Heard Sri N. Siva Reddy, learned counsel appearing for the petitioner and Sri P. Anand Seshu, learned standing counsel for the respondents.

2. This writ petition is filed seeking writ of *Mandamus* declaring the notice dated 19.02.2015 issued by the 3rd respondent, as illegal and arbitrary and for consequential direction to the respondents not to disconnect the power supply to the petitioner's residential Service Connection bearing No.2067, situated at D.No.10-92/13 (Plot No.11BLL), Indiramma Colony, Tapeswaram, Mandapeta Mandal, East Godavari District.

3. It is submitted by the learned counsel appearing for the petitioner that the petitioner belongs to poorer section of the society and the husband of the petitioner is a labourer and they are under the Category of below poverty line (BPL). The Government constructed houses under Indiramma Scheme in the land belonging to the Endowments Department and as the petitioner has no residential house, she was one of the beneficiaries selected by the Revenue Department and she was put in possession of the house. The version of the petitioner is that on account of pressure brought on the respondents by the local politicians, the respondents issued aforesaid notice proposing to disconnect the power supply on the ground that one individual by name Korapati Anantha Lakshmi gave a complaint on 12.02.2015 stating that the petitioner is in illegal occupation of the premises. The petitioner filed residence certificate issued by the Tahsildar and also a No Objection Certificate issued by the Gram Panchayat.

4. Having regard to the facts and circumstances, this Court is of

the view that on the ground of some third party raised objection regarding right of the petitioner in the premises, the respondents are not supposed to disconnect the power supply and they have to advise both parties to settle the dispute before the competent civil Court. The documents filed by the petitioner clearly show that she was allotted house under Indiramma Scheme and she has been in possession and enjoyment of the same.

5. Under these circumstances, the writ petition is disposed of at the stage of admission, directing the respondents to consider the representation submitted by the petitioner and they shall not disconnect the power supply to the petitioner's residential service connection bearing No.2067, situated at D.No.10-92/13, (Plot No.11 B L L) Indiramma Colony, Tapeswaram, Mandapeta Mandal, East Godavari District. Miscellaneous applications, if any, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 10.03.2015
Note: Furnish CC in three days
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URGENT

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Date: 10.03.2015

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