

THE HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.13855 OF 2007

ORDER:

The writ petition is filed questioning the action of the 2nd respondent in issuing the proceedings dated 13.04.2007 directing disconnection of power supply to the petitioner's agricultural service connection No.415.

It is the case of the petitioner that the service connection bearing No.415 was disconnected by the respondents, at the instance of one M/s. Sneha Vinay Products, Renigunta, who is the adjacent owner of the land in Sy.No.415. The said adjacent owner desired to acquire the land and when the petitioner refused for the same, by using influence to coerce the petitioner, the service connection got disconnected vide communication dated 13.04.2007 alleging that the petitioner is not using the power supply to the agriculture which has been obtained for cultivating the lands in Sy.No.277/2. It is the allegation of the respondents that as a matter of fact the petitioner is using the electricity for cultivating the lands in Sy.No.257/1. Through the legal counsel, petitioner submitted his explanation on 27.04.2007 specially denying the said allegation and also brought to the notice of the respondents about a suit in O.S.No.135 of 2007 filed by the petitioner against the said Sneha Vinay Products and ignoring the same, the 2nd respondent had in fact lodged a police complaint on 23.06.2007. At that stage, the petitioner approached this Court and this Court while admitting the writ petition granted the stay on 29.06.2007 directing the respondents not to disconnect the power supply to the petitioner. Though the writ petition came to be admitted on 29.06.2007, no counter-affidavit was filed till date. It may be borne in mind that in terms of the writ proceedings rules particularly Rule 12 mandates counter-affidavit to be filed within a period of six weeks from the date of order of rule nisi or from the date of service of notices. It is not in dispute that the respondents were served with the

notices in the writ petition. Virtually, there is no denial of the allegations in the writ petition. Apart from that from the perusal of the method and manner in which the disconnection came to be effected is illegal. Further, there being no counter-affidavit, even as on date the allegations made there in stands confirmed.

In those circumstances and considering the fact that the power supply was restored to the petitioner pursuant to the interim orders of this Court, the writ petition is allowed setting aside the proceedings dated 13.04.2007, issued by the respondents. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

Date:17.10.2016
Gk.



CHALLA KODANDA RAM,J

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