

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.30629 of 2016

ORDER:

Heard Mr. B.V. Anjaneyulu for petitioners and Assistant Government Pleader (Revenue).

2. Petitioners challenge the proceedings Rc.B.352/2016 dated 19.07.2016 as illegal, arbitrary and without jurisdiction. This Court considers it convenient to excerpt the proceedings impugned for the proceedings are self-explanatory of totality of circumstances, which warranted cancellation of NOC granted to petitioners for obtaining electricity connection from the fifth respondent.

Rc.B.352/2016

O/o the Tahsildar, Sangam,
Date: 19/07/2016

From
Sri R. Ramanjaneyulu, B.com.,
Tahsildar,
Sangam Mandal

To
The Assistant Engineer
Transco,
Sangam Mandal

Sir,

Sub:- Certificates – SPS Nellore District – Atmakur Division – Sangam Mandal – Sangam Village- Certificate issued in Sy.No.447 an extent of Ac.2.00 for obtaining electric service meter – Cancelled – Reg.

Ref: - 1. A/o Sri Kolluru Prasad S/o Penchalaih and Sri G. Mastanaiah, S/o Mastanaiah of Sangam Village, dated 08.06. and 13.06.2016
2. Report of the Village Revenue Officer, Sangam, dated 18.07.2016.

I invite kind attention to the reference cited where in Sir Kollur Prasad and another has put a petition stating that they are having lands in Sy.no.447 measuring an extent of Ac.1.00 each in Sangam Village and requested to issue certificate for obtaining current service meters.

In this connection it is to inform you that, I have issued certificates fro obtaining current service meters to the above said

land in the name of Sri Kolluru Prasad and Sri Gummlapati Mastanaiah by mistake. Since the said lands are A.W. Dry that the petitioners are only enjoyers but not assignees and not eligible for obtaining current service meters. Hence I request you to handed over the above certificates to this office and not sanctioned electrical service meters to the applicants in sy.no.447 measuring an extent of Ac.2.00 of Sangam Village.

Yours faithfully,
Sd/-
Tahsildar
Sanga Mandal"

3. The grievance of petitioners is that the application filed by petitioners before fourth respondent for NOC for obtaining electricity connection from the fifth respondent was subjected to procedure and thereafter NOC was issued. Through the proceedings impugned in the writ petition, by recording adverse findings the fifth respondent directed to return the certificate given by the fourth respondent. The procedure, it appears to this Court, followed by the fourth respondent is strange and does not conform to the requirement of adhering to principles of natural justice.

4. The Assistant Government Pleader, after perusing the proceedings impugned in the writ petition, fairly states that the proceedings impugned in the writ petition can be set aside and the fourth respondent will issue notice, if complaint is received on the mode and manner of securing NOC by petitioner, hold enquiry and pass appropriate orders.

The submission is placed on record. The writ petition is ordered as follows:

- a) The proceedings Rc.B.352/2016 dated 19.07.2016 impugned in the writ petition are set aside.
- b) The fourth respondent is given liberty to issue notice, if complaint on the NOC issued to petitioner is received, examine the matter, take decision and communicate to the petitioners as well as the fifth respondent.
- c) It is made clear that this Court has not examined the merits of the matter or the other assertions on possession and entitlement etc. made by petitioners. It is for the authority to examine and take decision.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

September 12, 2016
DSK



S. V. BHATT, J