

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

W.A.M.P.No.1717 of 2016
IN/ AND
WRIT APPEAL No. 1210 OF 2016

Common Judgment *(Per the Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)*

Heard Sri Sreenivasa Rao Velivela, learned counsel for the applicants-appellants and Sri B. Chinnapa Reddy, learned counsel for the respondent-writ petitioner and, with their consent, both the application seeking leave, and the writ appeal itself, are disposed of.

The application seeking leave to prefer an appeal is filed by the wife and children of the writ petitioner's brother. They are aggrieved by the order under appeal directing the Southern Power Distribution Company of Andhra Pradesh Limited (APSPDCL) to consider the petitioner's application for grant of LT Domestic Service Connection subject to the petitioner satisfying the respondents about the existence of a separate kitchen or house-hold in the premises.

The order under appeal acknowledges the fact that the Service Connection No.984, in the name of the petitioner's brother, existed in the subject land.

Both Sri Sreenivasa Rao Velivela, learned counsel for the applicants-appellants and Sri B. Chinnapa Reddy, learned counsel for the respondent-writ petitioner, would agree that the petitioner's brother passed away; and the applicants are the widow and children of the petitioner's brother. The service connection is sought for a

unit which stands in the name of the petitioner's brother who is no more, and is survived by the applicants. The applicants are evidently aggrieved by the order under appeal, and are necessary parties to these proceedings. Their application, seeking leave to appeal, is therefore allowed.

While we were inclined to examine the matter on merits, both Sri Sreenivasa Rao Velivela and Sri B. Chinnapa Reddy would agree that, instead, the applicants-appellants may be impleaded as respondents 5 to 7 in the writ petition, the writ petition be restored to file, and the matter be heard by the learned single Judge afresh after giving them an opportunity of being heard.

As both the learned counsel are in agreement, the order in W.P.No.33589 of 2015 dated 21.01.2016 is set aside, and the writ petition is restored to file. The appellants herein shall stand arrayed as respondents 6 to 8 in W.P.No.33589 of 2015. The Writ Petition shall be heard afresh on its merits after respondents 6 to 8, in the writ petition, are given an opportunity of being heard.

In the result, the Leave Petition and the Writ Appeal are disposed of. The miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date: 03.11.2016
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