

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

[Special Original Jurisdiction]

THURSDAY THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND SIXTEEN

PRESENT
HONOURABLE SRI JUSTICE S.V. BHATT

WRIT PETITION NO. 15763 OF 2009

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Between:

E.S. Ramana & Anr. ... Petitioners

V/s.

The Eastern Power Distribution Co.of AP Ltd.
Rep.by its Managing Director,
Seethammadhara, Visakhapatnam & Ors. ... Respondents

Counsel for the Petitioner : Sri D.V.Nagarjuna Babu

Counsel for the Respondents: Sri O. Manohar Reddy

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE S.V. BHATT

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WRIT PETITION NO. 15763 OF 2009
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ORDER:

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The petitioners pray for mandamus declaring the action of respondents in disconnecting power supply to petitioners service connection bearing Nos. 186 and 350 [LT Category-I] provided at House No. 2-165, Rolugunta village, Narasipatnam Mandal, Visakhapatnam district, as illegal, unconstitutional and contrary to section 56 of the Electricity Act, 2003.

2. The case of petitioners is that the disconnection of power supply is completely unauthorized, illegal and at any rate the respondents cannot disconnect power supply without putting the petitioners on notice. There appears to be earlier round of litigation between the parties. Be that as it may, on 04/8/2009 this court issued the following direction:

“Notice before admission returnable in four weeks.

Learned standing counsel for AP Transco takes notice and undertakes to get instructions.

Post after two weeks.

In the meanwhile, the petitioners’ service connections bearing Nos. 186 and 350 [LT.Cat.I] situated at House No. 2-165, Rolugunta village, Narasipatnam Mandal, Visakhapatnam district, shall be restored.”

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3. Sri M. Ravindra requests further time of two weeks to

file counter-affidavit in the writ petition.

4. The request for filing counter-affidavit in my considered view at this point of time is not tenable and if the learned counsel has not received any instructions, this court has reason to believe that the respondents are not serious about the interim order granted on 04/8/2009.

5. The writ petition is disposed of by making the interim order as final order in the writ petition. The respondents are given liberty to initiate action if the circumstances so warrant against the petitioners in accordance with law and afford opportunity and pass appropriate orders before extreme step of disconnection is undertaken.

6. The writ petition is disposed of. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE S.V. BHATT

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