

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.42209 of 2016

ORDER:

Heard Mr. P. Sri Ram for petitioner and Mr. Vinod Reddy counsel for respondents.

2. Petitioner challenges communication/notice No.ADE/Op/GBL/Tech/F.AS/D.No.,3053/2016 dated 24.11.2016. The operative portion reads thus:

“In view of the above, orders are passed to disconnect the power supply in the premises of Service No.12001 04988 duly keeping the service under “Bill Stop” status. The power supply will be restored immediately after receiving valid ownership documents or lease/rental documents or proof of his being lawful occupant of the premises from The President, Sri Swamy Ayyappa Cultural Association.”

3. Learned standing counsel submits that the communication cannot and could not be challenged under Article 226 of the Constitution of India for several disputed questions of fact are required to be examined, more particularly, when the respondents are pressurized by two groups of the society for connection and disconnection of power supply. According to him, for the petitioner society to get connection from respondents, the issue between the rival groups is to be resolved and appropriate orders for continuation of connection can be passed by competent court/authority. With a view to continue status quo as regards supply of power, in the mean time, he submits that for a period of eight (8) the power supply to service connection No.12001 04988 will be maintained and it

is open to the petitioner either to file a suit or avail the remedies under the Electricity Act either before the Divisional Engineer or Superintending Engineer for appropriate relief.

4. The statement is placed on record. For a period of eight (8) weeks from today, the respondents are directed to continue power supply to service connection No.12001 04988. Petitioner is given liberty to work out remedies as observed above.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

December 5, 2016
DSK



S. V. BHATT, J