

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.6529 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the respondents in transferring electricity Service Connection No.X2010533, USC No.100788242 in the name of M.A.Hameed, as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and Sri R.Vinod Reddy, the learned Standing Counsel for the respondents.

3. The petitioner claims that he is the owner of the house bearing No.18-7-198/a/132, Talabkatta, Hyderabad. A perusal of the record reveals that the electricity Service Connection No.X2010533, USC No.100788242 stands in the name of Yaseen Mirza upto November, 2015. Ysaeen Mirza is the erstwhile tenant in respect of ground floor of petitioner's house. After vacating the ground floor by Yaseen Mirza, the petitioner has been paying electricity charges in respect of the said service connection also. It is the case of the petitioner that the respondents have shown the name of M.A.Hameed in the month of December, 2015 in respect of the above said service connection. A perusal of the record further reveals that the petitioner filed O.S.No.2427 of 2015 on the file of VIII Junior Civil Judge, City Civil Court, Hyderabad against M.A.Hameed and another and obtained interim injunction.

4. The petitioner submitted representation to the third respondent on 16.12.2015 with a request to transfer service connection in dispute in his name. For one reason or the other, the third respondent has not disposed of the representation of the petitioner.

5. At the time of the arguments, the only relief sought by the learned counsel for the petitioner is to direct the third respondent to dispose of

the representation of the petitioner dated 16.12.2015. The learned Standing Counsel also consented for the disposal of the representation.

6. Having regard to the facts and circumstances of the case and also the submissions made by the learned counsel for both the parties, the third respondent is hereby directed to consider the representation of the petitioner dated 16.12.2016 and pass appropriate orders, after affording reasonable opportunity to the petitioner as well as M.A. Hameed, in the light of the provisions of the Indian Electricity Act, 2003 and the relevant Rules made thereunder. This exercise may be completed within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

T.SUNIL CHOWDARY, J

Date: 30.08.2016
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