

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.466 of 2013

ORDER:

Petitioners challenge notice L.R.No.AE/Operations/APSPDCL/Chittamuru D.No.298/2015 dated 26.12.2015 proposing to disconnect service connections provided to petitioners without either affording opportunity or hearing the petitioners as illegal and unconstitutional. The last line of the communication reads thus:

“Therefore, the services referred to above will be disconnected within 15 days from the date of receipt of notice.”

2. The primary objection of petitioners is that respondent No.5 basing on the report of the Tahsildar has concluded all the matters without regard to the settled possession of petitioners and if the service connections, as stated in the notice impugned in the writ petition, are disconnected, the petitioners will suffer irreparable loss, injury and hardship.

3. The respondents filed counter affidavit and by way of reply on the purport of notice the following reply is given:

“6. In reply to the paras 5 to 7 it is submitted that joint inspection was conducted on 15.12.2015 in the presence of Assistant Engineer/Irrigation, AE/Opn/Chittamur, Mandal Deputy Surveyor, Mandal Revenue Inspector, Village Revenue Officer and occupied farmers. During the joint Inspection, the Tahsildar, Chittamur has furnished the report to the AE/Opn. Chittamur stating that “all the bore wells and House hold Connections are in Government Kaluva Varavakatta.

7. Further, it is submitted that based on the Tahsildar Chittamur report dt: 17.12.2015, the 5th respondent has given 15 days notice to the petitioners vide this office letter No.298/15, dt:26.12.2015 stating that as per report of Tahsildar, Chittamur, the land pertaining to Government Kaluva

Varavakatta. Hence, the Two House connections, and 9 Agriculture service connections will be disconnected.

8. In reply to the other paras it is submitted that the petitioner have approached the Hon'ble High Court challenging the notice given by the 5th respondent vide letter dated 26.12.2015, this Hon'ble Court passed the interim order dt: 05.02.2016 in WPMP 584 of 2016 in WP.No.466 of 2016 "not to disconnect the power supply of petitioner bore wells for four weeks. In obedience to the orders passed by this Hon'ble Court the APSPDCL authorities are not disconnected to the petitioner bore well services as on date."

4. I have perused the notice impugned in the writ petition and also the counter affidavit of the third respondent. Having considered the submissions of learned counsel appearing for the parties, this Court is not inclined to examine the challenge made against communication dated 26.12.2015 but to meet the ends of justice and ally the fears of petitioners, the writ petition is disposed of by this order:

The communication impugned in the writ petition shall be treated as show cause notice and the petitioners are given four (4) weeks time from today to file representation before the fifth respondent. The fifth respondent is directed to consider the reply and pass orders of threatened disconnection in accordance with law within further period of four (4) weeks thereafter. Till the orders are passed and communicated, the parties are directed to maintain status quo vis-à-vis the connections given to petitioners for a period of ten (10) weeks. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

November 10, 2016
DSK