

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9886 of 2014

DATED : 27.09.2016

Between:

Ummalaneni Janaki Ramachandra Rao,
S/o.Late Raghavaiah, Aged 61 yrs,
Occu : Cultivation, R/o.Gandhinagar,
Tenali Town, Guntur District.

.. Petitioner

AND

Southern Power Distribution Company of
Andhra Pradesh Limited,
Rep., by its Chairman and Managing Director,
Tirupathi, Chittoor District & 3 others.

.. Respondents



The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

By the notice impugned, petitioner was informed that there are huge arrears of amount due towards electricity consumption charges of S.C.No:339 of Burripalem Village, standing in the name of Sri Srinivasa Rao and petitioner was directed to pay the arrears due and if the same are not paid, the service connection standing in his name would be disconnected.

2. This Court by order dated 02.04.2014 directed the respondents to restore electrical power supply to the petitioner service connection No.1158 of Burripalem village, Service connection No. 52171 and 61168 of Tenali distribution.

3. Heard Sri Nimmagadda Satyanarayana, learned counsel for the petitioner and Smt Jagarlamudi Koteswari Devi, standing counsel for the respondents.

4. Learned counsel for the petitioner would submit that petitioner is no way concerned with the service connection No.339 of Burripalem village. Therefore, it is erroneous to disconnect the service connection standing in the name of the petitioner and this action of the respondents is ex-facie illegal. Learned counsel would further submit that no prior notice was issued before undertaking disconnection and if a notice was given petitioner would have satisfied the competent authority that he is no way concerned with the said service connection.

5. The averments made in Para No.4 would show that the subject property on which service connection No.339 stands was purchased by Kilari Padmaja and Ummalaneni Janaki Ramachandra Rao. Petitioner is Ummalaneni Janaki Ramachandra Rao and he does not deny that he is not the same person. However, this Court is not going into that issue.

6. Both the counsel agree for disposal of the writ petition with a direction to the 3rd respondent to treat the notice dated 21.03.2014 as show cause notice and to give opportunity to explain before him that the petitioner is no way concerned with the subject property and to consider the same and pass orders.

7. Having regard to the said submissions, the writ petition is disposed of with a direction to treat the impugned letter dated 21.03.2014 as show cause notice and petitioner is granted liberty to give reply to the said show cause notice within a period of two weeks from the date of receipt of copy of this order. Petitioner may enclose all the relevant material in support of his claim that he is no way concerned with the subject property. On consideration of the explanation along with the relevant material, if any enclosed, to the explanation that may be submitted by the petitioner, the Additional Assistant Engineer (Operation):D.3, Section : Tenali of APSPDCL (3rd respondent) shall pass appropriate orders. If the 3rd respondent comes to the conclusion that petitioner is concerned with the property on which the S.C.338 was installed, and if arrears are not paid so far, the petitioner shall pay the arrears as demanded. There shall be no order as to costs.

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

P.NAVEEN RAO,J

27th September, 2016
Rds

