

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.18044 of 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Energy appearing for respondent No.1 and also Smt. J.Koteswari Devi, learned Standing Counsel, who offers to file vakalath and counter for respondent Nos.2 & 3, however, saying from the instructions already received and perused the affidavit and prayer in the writ petition and also the letter of respondent No.2 dated 13.04.2017, served on the petitioner on 17.04.2017 for the proposed disconnection.

It is the say of the petitioner that there is subsequent disconnection, despite he approached pursuant to the said letter. A perusal of the earlier order dated 01.02.2017 in W.P.M.P.No.3024 of 2017 in pending W.P.No.2580 of 2017 filed by G.Gabriel against the Secretary, Panchayat Raj; District Collector (Panchayat Raj); DPO; Gram Panchayat, represented by Secretary and the writ petitioner herein as respondent Nos.1 to 5 respectively, there was a direction to consider the representation of the writ petitioner to take appropriate action according to law. The grievance therein is the construction made by the petitioner is by encroachment of the land belongs to said Gabriel. There is no direction even to cause disconnect by the Panchayat Secretary, much less for the Electricity Department officials to disconnect. Once they have given the power supply by mentioning Door No.2-105, which is the service connection No.559, unless there is a direction of the Court in the other pending writ petition or any application of said Gabriel or the Panchayat for its consideration,

the question of disconnection does not arise, but for at best to insist for proof of the construction made and service connection obtained is as per the Rules of Panchayat and that too after affording opportunity therefrom.

Having regard to the above, by collecting usual reconnection charges, the respondents shall restore the power supply and any further action is according to law.

Accordingly and in the result, the Writ Petition is disposed of.

Consequently, miscellaneous petitions, if any, shall stand closed. No costs.

Date: 07.06.2017
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JUSTICE Dr. B.SIVA SANKARA RAO

