

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.13079 of 2017

ORDER:

Heard learned counsel for petitioner and Sri M. Ravindra, learned Standing Counsel for APEPDCL appearing for respondent.

Respondent No.3 - Additional Assistant Engineer, Operation Section, Ramachandrapuram Rural, APEPDCL, East Godavari District, issued a letter bearing No.AAE / Operation / Ramachandrapuram Rural / File No.____ / D.No.200/17, dated 15.03.2017, on the basis of a complaint made by respondent No.7, to the petitioner asking him to produce proof of his right in the property. Responding to the said notice, the petitioner got issued a legal explanation, dated 17.03.2017 through his counsel, stating that it is not open for the authorities to interpret the law and the legal documents and the unofficial respondent has no right to ask the Department to investigate into the legal documents. In the above background, apprehending disconnection of power supply, the present Writ Petition is filed.

According to the learned counsel for the petitioner, the very action of issuing the impugned letter basing on the complaint of unofficial respondent is totally one without jurisdiction and the said letter ought not to have been issued by respondent No.3. It is

further submitted that the unofficial respondent executed a possessory agreement of sale in favour of the petitioner.

It is the submission of the learned Standing Counsel that by way of the impugned letter, the third respondent asked the petitioner to produce the documents in support of his right in the property only as it is the condition precedent to have the service from the respondent company. It is further submitted that since the petitioner already submitted explanation through his counsel on 17.03.2017, even before consideration of the said explanation, it is not open for the petitioner to approach this Court by way of present Writ Petition. It is also submitted that the issue is pending consideration before respondent No.3, as such, the present Writ Petition is premature.

Having heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent Company, this Court is of the considered opinion that ends of justice would be served, if respondent No.3 is directed to consider the legal explanation, dated 17.03.2017, offered by the petitioner through his counsel in response to the impugned letter, and pass appropriate orders. It is made clear that till appropriate orders are passed, there shall be no coercive action pursuant to the impugned letter.

The Writ Petition is accordingly disposed of.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

A.V.SESHA SAI, J

12th APRIL, 2017.

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