

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.236 of 2014

ORDER:

Though WVMP is listed; inasmuch as the dispute lies in narrow compass, with the consent of the parties, Writ Petition itself is being disposed of.

It is the case of the petitioner that he came to purchase Plot No.1466 (Western Part) in Sy.No.78 admeasuring 200 square yards situated in Hafeezpet village, Serilingampally Mandal, Ranga Reddy District and he was provided with service connection bearing No.22011 04622 in the year 2007; since then, petitioner's tenant is residing in the said property and, further as there are civil disputes between the petitioner and the fifth respondent, petitioner filed O.S.No.288 of 2011 on the file of the Additional Junior Civil Judge, Cyberabad, Kukatpally at Miyapur. Likewise, fifth respondent also filed O.S.No.160 of 2011. Initially, injunction was granted in favour of the petitioner, however the same came to be vacated and, later, petitioner preferred appeal and the same is pending before the competent civil court. At the instance of the fifth respondent, respondents had disconnected the service connection of the petitioner without notice and without verifying the facts.

Counter-affidavit is filed confirming that it is at the instance of the fifth respondent that disconnection was made, as the fifth respondent had made a complaint on 13.09.2013 stating that he has

filed civil suit against the petitioner and obtained injunction order in respect of the property in question and produced copy of the order in I.A.No.361 of 2011.

Fifth respondent is served as per the acknowledgment filed before this Court on 10.03.2014. In spite of the same, there is no appearance either in person or through Advocate.

Having considered respective submissions, Writ Petition deserves to be allowed on the simple ground that, as mandated under Section 56 of the Electricity Act, 2003 and the Regulations made thereunder, as approved by the A.P. Electricity Regulatory Commission, as adopted by Telangana State Electricity Regulatory Commission, a notice of 15 days is required to be given if a disconnection is to be effected. In the present case, mainly on the complaint made by the fifth respondent, disconnection is sought to be made. There is no dispute that service connection was provided in the year 2007. In those circumstances, as the petitioner was not given any opportunity to make his stand clear, disconnection which was sought to be made cannot be sustained.

Accordingly, Writ Petition is allowed, without expressing any opinion with respect to the title of the property in question, either of the petitioner or the fifth respondent, leaving it for the respective parties to workout their remedies in the appropriate civil proceedings. As power has been restored pursuant to the interim orders of this Court, no disconnection shall be effected without following due process. No order as to costs.

As a sequel to disposal of the Writ Petition, miscellaneous petitions, if any pending in the Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

January 3, 2017
MRR

