

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.41059 OF 2017

O R D E R

As per the averments made in the writ affidavit, the case of the petitioners is that earlier the 2nd petitioner, who is the wife of the 1st petitioner, was the owner of the subject property and she gifted the said property to the 1st respondent under registered gift deed dated 2.3.2010. The said property was under the occupation of tenants and they filed suit for eviction of the tenants in O.S.No.1021 of 2016 on the file of IV Senior Civil Judge, City Civil Court, Hyderabad and the same is pending. While so, the officials of the respondents – Southern Power Distribution Company of Telangana, inspected the shops of the tenants on 8.5.2017 and their electricity meters bearing No. SC No.S9-18482 and SC.No.S9-18483 and seized the said meters and the 3rd respondent – Inspector of Police, registered a criminal case in Crime Nos.1348 and 1349 of 2017 against the tenant Abdul Raheem Rizwan, for the offences under Sections 135 and 138 of Electricity Act, 2003, but no action has been taken. The petitioner No.1 issued also legal notice dated 24.08.2017 to the respondents for taking action, but no action has been taken. Now the grievance of the petitioners is that the respondents are threatening to disconnect the electricity connection to other meters bearing Nos. SC No.S9-01841, S9-022026, S9-022027 and S9-022028, in the subject property of the petitioners. Hence the writ petition.

Heard the learned counsel for the petitioner.

Sri R.Vinod Reddy, learned Standing Counsel for the respondents would submit that as on today no notice has been issued to the

petitioners for disconnection. As it is a case of theft and criminal cases were registered, after filing of the report, petitioners will be issued with notice and the present writ petition is premature.

As per the submissions of the learned Standing Counsel for the respondents, as on today no notice has been issued to the petitioners and if the respondents intend to take any action, they shall conform to the principles of natural justice.

In view of the above facts and circumstances, the writ petition is disposed of directing the respondents not to disconnect the power supply to the petitioners without issuing any provisional assessment notice with regard to liability, provided the petitioners are regularly paying the bills.

It is clarified that this order will not preclude the competent authority from taking action after issuing provisional assessment notice pursuant to the crimes referred to above.

Miscellaneous petitions pending if any, shall stand closed.

A. RAJASHEKER REDDY, J

Date: 18—12—2017

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