

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.691 of 2018

ORDER:

This writ petition is filed to declare the action of respondents 2 to 5 herein in disconnecting the electric supply to the petitioner's service connection of the petitioner's house bearing No.8-2-296 Kattarampu locality (Bhagathnagar) of Karimnagar Town, Karimnagar District on 01-01-2018 at 3.30 pm, without issuing any notice or proceedings, as illegal and arbitrary and consequently to direct respondents 2 to 5 to restore electric supply to the service connection of the petitioner's house.

The facts to the extent necessary for disposal of the writ petition are:

The petitioner and respondent No.6 are brothers and they have been seeking partition of the properties. The petitioner had filed O.S.No.137 of 2014 on the file of the District Judge's Court, Karimnagar against respondent No.6 and others for partition of suit schedule properties, including subject house at item No.2 of E-schedule properties and the said suit is pending. There are tenements in the property mentioned in item 2 of E schedule properties, for which electricity connections were obtained. The electricity connections stand in the name of respondent No.6, who with a malafide intention and to force the petitioner to settle the civil disputes, has approached respondents 2 to 5 seeking disconnection of service connections. In those circumstances, the present writ petition is filed.

Respondent No.6 filed a counter affidavit stating that the petitioner has no right to claim the subject property, as his self-

acquired property. It is also further asserted that service connections are in the name of respondent No.6. The said property was acquired by respondent No.6 by borrowing some money and from his service benefits. It is further submitted that respondent No.6 being the consumer is entitled to seek not to avail the power from the respective authorities.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent-Corporation.

Having considered the respective submissions, it is to be noted that the relief of the nature, which the petitioner seeks in the writ petition can also be obtained in the pending suit. As the service connections stand in the name of respondent No.6, as a consumer, as defined under the Regulations of the Electricity Department he had made an application to the respondent-authorities and they disconnected the power supply to the subject property. Though the petitioner complains that inconvenience is likely to be caused if the power connection is disconnected, but, respondent No.6 being the consumer, has every right to seek disconnection of the power supply. The writ petition is not a proper remedy for the relief which the petitioner seeks.

Under these circumstances, this Court is not inclined to keep the writ petition pending and accordingly, the same is dismissed with liberty to the petitioner to avail other remedies available in law. The observations made in the present writ petition shall not be construed as this Court expressing any opinion on merits and these observations are limited only for the purpose of maintainability of the writ petition. No costs.

Miscellaneous petitions, if any pending in this writ petition,
shall stand closed.

CHALLA KODANDA RAM, J

06-02-2018

Note: Issue CC by tomorrow.
B/o.
Nvl

