

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 2584 of 2018

ORDER:

This writ petition is filed seeking to declare the action of respondent Nos.2 and 3 in providing new electricity connections to the lands to an extent of Acs.3.95 cents and Acs.4.19 cents belonging to respondent Nos.4 and 5 respectively, situated at Kurapalle Village Survey Group of Karsanapalle Revenue Village, Peddapanjani Mandal, Chittoor District, Andhra Pradesh, as illegal and arbitrary.

The case of the petitioner is that his father and others were granted Rough Patta on 09.06.1962 under the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 to an extent of Acs.226.13 cents in Survey Nos.202, 203, 206, 218, 215 and 231 of Kurapalle Village Survey Group of Karsanapalle Revenue Village, Peddapanjani Mandal, Chittoor District, Andhra Pradesh and thereafter, he filed an application before the Joint Collector, Chittoor for implementation of the Rough Patta and the same was rejected through proceedings, dated 28.10.2017. Questioning the same, the petitioner's son, by name Krishnamoorthy, filed W.P.No.42525 of 2017, in which, this Court on 20.12.2017, in WPMP No.52708 of 2017 passed an order stating that any disbursement of compensation by the District Collector, Chittoor would be subject to the further orders

in the writ petition. While so, respondent Nos.4 and 5, who are landlords, have obtained pattas in their favour, though they are not entitled to grant pattas, as such, the petitioner has approached the revenue authorities complaining about the same and also asserting his rights. The petitioner submits that respondent Nos. 4 and 5 have approached respondent Nos.1 to 3 for grant of service connection and if the same is granted, it would cause great prejudice to him. Therefore, he got issued a legal notice, dated 12.08.2017, to respondent Nos.2 and 3 not to grant power supply to the lands of respondent Nos.4 and 5. The petitioner also submits that another notice, dated 03.11.2015, was got issued to the Tahsildar of Peddapanjani Mandal. Till today, no action has been taken.

Learned Standing Counsel for respondent Nos.1 to 3 submits that, admittedly, there is a civil dispute with respect to the property in question and at any rate, if respondent Nos.4 and 5 have right with respect to the subject land, the authorities are bound to grant electricity connection in terms of Section 43 of the Electricity Act, 2003. In those circumstances, he prays for dismissal of the writ petition.

As can be seen from the writ affidavit, respondent Nos.4 and 5 were granted valid pattas in respect of the subject land. As long as the said pattas are neither cancelled nor suspended, they have a right to enjoy the same.

For the argument sake, if the petitioner is in possession of the subject land and respondent Nos.4 and 5 are obtaining electricity connection, he can approach the civil Court against them seeking appropriate relief. Even as per the averments, the patta is not granted in favour of the petitioner and in those circumstances, the petitioner had approached this Court by filing W.P.No.42512 of 2017. Merely because this Court had made an observation that any disbursement shall be subject to the result of the writ petition, it cannot be presumed that the order is passed in favour of the petitioner. In those circumstances, there are no merits in the writ petition.

Hence, the writ petition is closed. However, the observations made in this order are only for the purpose of deciding the maintainability of the writ petition at this stage and they shall not be construed as this Court expressing any opinion with respect to the civil rights of the petitioner as well as respondent Nos.4 and 5. If so advised, the petitioner may approach the civil Court or the authority concerned seeking appropriate relief against respondent Nos.4 and 5, in accordance with law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed of. There shall be no order as to costs.

CHALLA KODANDA RAM, J

Dt:30.01.2018
kdl

