

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10241 OF 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief:

“... to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in proposing to disconnect the III Phase Power Supply in S.C.No.VZ015622 to the Petitioners premises bearing D.No.12-1-947, North Lalaguda, near Jamia Maszid, Secunderabad, which is illegal, irregular unconstitutional against to the Principles of Natural Justice and also in violation of Articles 14, 19, 21 and 300-A of Constitution of India, consequently direct the Respondents not to disconnect the III Phase Power Connection with S.C. No. VZ015622 to the Premises bearing D.No. 12-1-947 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

2. I have heard the submissions of *Sri Narasimha Rao Gudiseva*, learned counsel appearing for the petitioners, and of *Sri Rama Rao Emaneni*, learned counsel appearing for respondent Nos.7 and 8. There is no representation for the official respondents. I have perused the material record.

3. The admitted facts, which are discernable from the pleadings and submissions, in brief, are as follows:

“The petitioners are, admittedly, tenants in the property bearing D.No.12-1-947, North Lalaguda, near Jamia Maszid, Secunderabad, of which the father of the 6th respondent was the original owner. After the death of the father of the 6th respondent, she appears to have sold the

property to respondent Nos.7 and 8. The premises is, admittedly, having an electricity service connection.”

4. In the above stated factual background, the petitioners approached this Court questioning the proposed action of the official respondents to disconnect power supply to the above said premises, in which the petitioners are tenants, and to direct all the respondents not to disconnect the power supply.

5. Learned counsel for the petitioners would submit that the petitioners are running an Ice-cream shop and that having power supply for such a business is highly essential and that if the power supply is disconnected, the petitioners suffer serious and irreparable loss and that the ploy of disconnecting electricity service connection is intended to somehow forcibly evict the petitioners/tenants from the petition schedule property and that, in fact, an attempt was also made to forcibly evict the petitioners from the said premises without having recourse to the procedure established by law.

6. Learned counsel for respondent Nos.7 and 8 would submit that the petitioners indulged in fabricating a letter, as if the same was executed by the deceased father of the 6th respondent, and also indulged in pilferage of electricity and admitted that they pilfered electricity and paid fine or penal charges to the Department and that on a complaint lodged by the 6th respondent against the petitioners, a case in Crime No.48 of 2018 was registered by the Station House Officer, Lalaguda Police Station, and that the Writ Petition is filed to harass the landlords and the 6th respondent.

7. Learned counsel for the petitioners, in reply, would submit that as on today, the power is not disconnected. However, learned counsel for respondents Nos.7 and 8 disputes the said fact.

8. Having regard to the facts and submissions, the Writ Petition is disposed of reserving liberty to the petitioners to approach an appropriate forum and seek appropriate remedies, which the law permits. However, keeping in view the interest of both the parties, there shall be a direction to the official respondents not to disconnect the power supply to the subject premises, in which the petitioners are carrying on their business, for a period of four weeks from the date of receipt of a copy of this order, provided the power supply is not disconnected as on today.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

09th April, 2018

Note: Issue C.C. by tomorrow.
B/O.MD

M.SEETHARAMA MURTI, J

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April 09, 2018

MD