

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.26513 of 2008

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief/s:

‘to issue any appropriate Writ, Order or direction preferably a Writ in the nature of Writ of mandamus, declaring the highhanded action of the official respondents in disconnecting power supply to the Meter with service number SC No.2711-02322-73 of ERO 312 Sec 27 Group A in the house bearing Municipal No.38-87/64/10, Plot No.15, Sy.no.278, Ambedkar Nagar, Sainikpuri Cross Road, Neredmet, Malkajgiri, R.R. District and taking away the same as being arbitrary, illegal, without jurisdiction, contrary to the principles of natural justice and also in violation of Articles 14 and 21 of the Constitution of India and consequently direct the official respondents to forthwith restore power supply to the said meter and pass such other order or orders as may deem fit and proper in the circumstances of the case.’

2. I have heard the submissions of Sri K. Jamali, learned counsel representing Sri Ali Farooq, learned counsel appearing for the petitioner, and of the learned standing counsel appearing for the respondents 1 to 4. Notice sent to the 5th respondent was returned with endorsement ‘addressee left without instructions’. Therefore, there is deemed service.

3. I have perused the material papers and also the counter affidavit of the 3rd respondent – Divisional Engineer.

The facts which are necessary to be stated as a prelude to this order, in brief, are as follows: ‘The writ petitioner filed this writ petition, *inter alia*, claiming that she is the absolute owner and possessor of the house property bearing municipal No.38-87/64/10, Plot No.15, Sy.no.278, Ambedkar Nagar, Sainikpuri Cross Road, Neredmet, Malkajgiri, R.R. District, having purchased the same from one Syed Naseer Hussain and that the said premises was provided with electricity meter and service connection in the name of her said

vendor *vide* service connection no. 2711-02322-73 of Electricity Revenue Office 312, Section 27 Group A and that on the complaint of the 5th respondent, the said service connection was highhandedly disconnected and the meter was taken away, on 06.10.2008, by the Assistant Engineer and that her requests for restoration of service connection were of no avail and, therefore, she filed the writ petition.

4. On 04.12.2008, this Court having admitted the writ petition, granted interim direction as prayed for in WPMP.No.34716 of 2008.

5. It is not in dispute that after the afore-said interim order, the service connection was restored and the service connection is continuing. Be that as it may.

6. The 3rd respondent filed a counter affidavit. The contents in the said affidavit are to the following effect: - 'The petitioner is provided with electricity service connection for the subject premises and the same was disconnected on 06.10.2008, by the Assistant Engineer, Operation, Neredmet, after receiving the complaint from the 5th respondent. Pursuant to the interim orders of this Court, the meter was refixed and service connection was restored. Later, the petitioner and the 5th respondent, having come an understanding, entered into a memorandum of understanding, on 17.03.2009, and furnished a copy of the same to the official respondents. A copy of the same is filed along with counter affidavit. As per the terms of the said MoU, the petitioner and the 5th respondent agreed for continuation of the subject service connection in the name of the petitioner and the petitioner should withdraw the writ petition.'

7. In view of the facts narrated and the subsequent events, which are brought to the notice of the Court through the counter affidavit of the 3rd respondent and which are not disputed by the petitioner, the Writ Petition is disposed of directing the official respondents to continue the subject service connection to the subject premises, however subject to the compliance of the necessary requirements by the petitioner like regular payment of consumption charges etcetera.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this revision petition shall stand closed.

10.09.2018
Vjl

M. SEETHARAMA MURTI, J

