

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.7644 of 2015

Order:

This Writ Petition is filed to declare the action of the respondents 2 and 3 in issuing Form No.1 distraint order, dated 12.03.2015, on the petitioner, under the Revenue Recovery Act, 1864, for recovery of Rs.87,000.67 ps., for consumer No.031224211, as illegal and arbitrary.

The case of the petitioner is that he was running a Hotel in the premises bearing No.9-1-29/2, Langer House, Hyderabad, and he was having water supply connection to the said premises bearing Consumer No.031224211; there was no water supply from the month of November 2006 onwards and the water line was removed by the respondents for construction of flyover bridge; as the construction of flyover bridge was commenced in the month of November 2006, the petitioner closed his Hotel business and intimated the same to the respondents and requested them to close his water connection; in spite of that, when the respondents are sending water bills, a legal notice was issued to the second respondent on 05.07.2014; subsequently, the impugned demand notice, dated 12.03.2015, under the Revenue Recovery Act, 1864, was served on the petitioner.

Counter affidavit has been filed by the second respondent stating that the water supply connection to the premises in question was given from the distribution water pipeline existing on the back side of the premises, where the road is existing, and that the flyover bridge is not in any way connected with the present water connection; the petitioner changed his hotel business and started Bakery in the said premises and he never approached the Board for disconnection of water supply; if the

petitioner wants disconnection he has to pay disconnection charges; the alleged legal notice was not served on the Board.

Heard learned counsel for the petitioner, learned Government Pleader for Municipal Administration and learned Standing Counsel for the respondents 2 and 3.

As seen from the material papers filed by the petitioner, a demand notice was raised on the petitioner on 01.06.2013. Even after receipt of the said notice, the petitioner did not pay the said amount nor made any representation to the respondents. According to the petitioner, he served a legal notice on 05.07.2014. Learned Standing Counsel appearing for the respondents 2 and 3 has specifically denied the receipt of the said legal notice. As the petitioner could not produce any document to show that he requested the respondents to disconnect the water supply, the respondents are justified in sending the monthly bills. Even though the copy of legal notice is filed along with the Writ Petition, no acknowledgment whatsoever has been filed by the petitioner to show that the same has been received by the respondents. Moreover, the second respondent in the counter affidavit has specifically stated that they did not receive any legal notice and that the water supply connection to the premises in question was given from the distribution water pipeline existing on the back side of the premises, where the road is existing, and that the flyover bridge is not in anyway connected with the present water connection. In view of the facts and circumstances of the case, the Writ Petition is devoid of merits and the same is liable to be dismissed.

The Writ Petition is, accordingly, dismissed. However, the petitioner is at liberty to file a representation before the second respondent and, if any such representation is filed by the petitioner, the

second respondent shall consider the same and pass appropriate orders thereon in accordance with law. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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KONGARA VIJAYA LAKSHMI, J.

Date: 28.11.2018

Nsr



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