

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.8349 of 2014

ORDER:

The petitioner seeks a Writ of Mandamus declaring the proceedings No.B/846/2012 dated 03.01.2013 issued by the 1st respondent and the consequential action of the 3rd respondent in issuing letter No.AAE/O.P/Medipally/D.No.411 dated 11.01.2013 disconnecting the agricultural power supply connections given to the petitioner's agricultural well existing in the land in Sy.Nos.604 and 605 of Medipally Village & Mandal of Karimnagar District, without conducting any survey of the lands of the petitioner and without considering the explanation submitted by the petitioner dated 18.08.2012 and without giving any opportunity of hearing to the petitioner as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents 3 and 4 to restore the power supply connection Nos.1041, 2147 and 1095 situated in the lands in Sy.Nos.604 and 605 of Medipally Village and pass such other orders as are deemed fit.

2) The petitioner's case is that he is an agriculturist and owner of agricultural land in an extent of Ac.0.05gts in Sy.No.604 and Ac.0.05gts in Sy.No.605 in Medipally Village & Mandal. He is also having lands in other Survey Numbers. About 15 years back, he dug a well in Sy.Nos.604 and 605 and took three power supply connections to the said well to provide water to his lands. The respondent—electricity authorities

verified the spot and after going through the revenue records, granted power supply connections and the petitioner has been regularly paying the bills. While-so on 14.08.2012, the respondent No.4 issued a show cause notice to the petitioner stating that respondent No.1 informed him that the well dug by the petitioner is existing in the land of SRSP (Sree Ram Sagar Project) and as such, the petitioner is using the power supply connections in the well that is existing in the SRSP land and instructed the petitioner to submit his explanation within 7 days as to why the power supply connections shall not be removed. On receiving the show cause notice, the petitioner submitted a detailed reply dated 18.08.2012 in which he clearly stated that he dug well in his land situated in Sy.Nos.604 and 605 and the adjacent land belongs to SRSP. In spite of his explanation, the respondents 3 and 4 hurriedly tried to disconnect the power supply. The petitioner filed Writ Petition No.26327/2012 on 23.08.2012 and after considering the petitioner's case, this Court ordered as follows:

“Respondent No.2 is directed to treat the impugned proceedings as a notice and consider the explanation stated to have been filed by the petitioner on 18.08.2012, he shall also give the petitioner an opportunity of personal hearing and pass an order before seeking to take further action. Till then respondents 2 and 3 shall not disconnect the power supply to the existing electrical service connections of the petitioner”.

In spite of the above order, on 03.01.2013 respondent No.1 without issuing any notice to the petitioner and without conducting any survey of the land in Sy.Nos.604 and 605 of Medipally village, called for report

from Mandal Surveyor and basing on the said report, removed the name of the petitioner from revenue records in respect of the land in Sy.Nos.604 and 605 through proceedings No.B/846/2012 dated 03.01.2013. Thereafter respondent No.1 addressed proceedings to respondents 3 and 4, basing on which respondents 3 and 4 disconnected the power supply to connection Nos.1041, 2147 and 1095 of the petitioner.

Hence the Writ Petition.

3) Heard arguments of Sri K.Venu Madhav, learned counsel for petitioner and learned Government Pleader for Revenue (Telangana) for respondent Nos.1, 2 and 5.

4) The main plank of argument of learned counsel for petitioner is that the petitioner dug his well about 15 years prior to the writ petition in his land covered by Sy.Nos.604 and 605 and he did not dug the said well either in the SRSP canal or in its bank and to the notice issued by 1st respondent, he has clearly submitted this fact in his explanation. In spite of the same, the 1st respondent without summoning the petitioner and without conducting any enquiry, seemingly passed the impugned order No.B/846/2012 dated 03.01.2013 behind the back of the petitioner and basing on the said order, subsequently the 3rd respondent in his letter No.AAE/O.P/Medipally/D.No.411 dated 11.01.2013 issued proceedings as if the electrical connections of the petitioner were going to be

removed. Learned counsel thus submitted that the principles of natural justice were not followed and thereby the petitioner suffered injury.

5) I find force in the above submission. Since the impugned proceedings do not show that the notice was issued to the petitioner by the Mandal Revenue Inspector or Surveyor and conducted survey and submitted report to the 1st respondent, the principles of natural justice have not been followed in the instant case.

6) In the result, this Writ Petition is allowed and the impugned proceedings are set aside and the petitioner is directed to submit his explanation to the 1st respondent within four (4) weeks from the date of this order, in which case, the 1st respondent shall pass an appropriate order on merits within eight (8) weeks from the date of submission of explanation by the petitioner. No costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 24.11.2018

Note: Issue C.C by 27.11.2018.

(b/o)

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