

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.1142 OF 2019

Date: 12.02.2019

Between:

Yazala Moses, s/o. late Yazala Prakasham,
Aged about 65 years, occu: Retired LIC Asst.,
r/o. Plot Nos.81 and 82, Part Sy.No.154,
Sai Reddy Nagar, Macha Bollaram, Old Alwal,
Secunderabad and others.

.....Petitioners

and

The State of Telangana, rep.by its Prl.Secretary,
Power & Energy Department, Secretariat, Hyderabad
and others.

.....Respondents



The Court made the following:

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ORDER:

This Writ Petition is filed alleging that even though petitioners applied for grant of power supply connections to seven residential flats in Plot Nos.81 and 82, Part Sy.No.154, Sai Reddy Nagar, Macha Bollaram, Old Alwal, Secunderabad, electricity supply is not provided on the ground that occupancy certificate is not furnished by the petitioners. It appears, though petitioners were granted building permission to construct stilt + 3 floors, petitioners raised additional floor and later applied for regularization under BRS Scheme. Application was made on 30.01.2016, but so far no decision is made.

2. According to the learned counsel for petitioners, for no fault of petitioners, power supply is not granted to them and there is inordinate delay by the Municipal Corporation in considering the regularization application, which is pending for more than three years.

3. Learned standing counsel representing the respondent-company does not deny the fact that though applications are made for provision of electricity supply and petitioners complied all the required formalities, the electricity supply is not provided since petitioners did not produce occupancy certificate from the Municipal Corporation.

4. Learned standing counsel representing GHMC would submit that as illegal construction was made on the 4th floor, subject to

petitioners giving an undertaking that they will not utilize the 4th floor, power supply connection can be granted. He fairly submits that no decision is made on the regularization application filed by the petitioners on 30.01.2016.

5. Petitioners filed I.A.No.2 of 2019, wherein they have given undertaking that they will not utilize the 4th floor until regularization or the occupancy certificate is granted by the Municipal Corporation.

6. Having regard to these submissions, Writ Petition is disposed of directing the respondents 2 and 3 to process the applications submitted by the petitioners to grant power supply to their residential flats subject to fulfillment of all parameters without insisting them for production occupancy certificate. Petitioners shall secure the occupancy certificate and produce the same before the respondents 2 and 3. The power supply to be granted is subject to the decision to be made by the GHMC on the application submitted by the petitioners on 30.01.2016 for regularization of unauthorized construction. However, petitioners are directed not to utilize the 4th floor for any purpose until regularization application is processed in their favour. The GHMC is directed to inspect and seal the 4th floor premises and the same shall be under their custody until regularization application is processed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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