

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1763 OF 2019

Dated : 19.03.2019

Between:

S.Ravi Yadav

..

Petitioner

And

The Telangana State Southern Power Distribution
Company Limited,
rep. by its Chairman and Managing Director,
Mint Compound,
Hyderabad,
and others.

..

Respondents



THE HON' BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1763 of 2019

ORDER:

Heard.

2. The petitioner claims to be in occupation of house bearing No.13-3-608/ 12, Iqbal Gunj, Puranapool, Karvan Division, Hyderabad. He was provided with electricity connection bearing service No.L4021315. The petitioner instituted this Writ Petition challenging the notice issued on 10.01.2019, directing him to submit documents by furnishing linked documents, aadhar etc., for taking up further necessary action within three days.

3. The said notice was issued in response to the representation made by Sri A.Vamshi Krishna –respondent No.4 on 08.01.2019. In this Writ Petition, the petitioner alleged that power supply in his house is disconnected, though there are no arrears due to be paid by him and as such, the disconnection is illegal.

4. Counter affidavits are filed on behalf of respondent company and on behalf of respondent No.4.

5. In the Writ affidavit, the petitioner claimed himself as the owner of the property and that the power supply was disconnected on 10.01.2019 and that respondent No.4, who is the son-in-law of respondent No.5 never resided in the said premises.

6. Learned counsel representing respondent No.4 submits that true and relevant facts are suppressed by the petitioner. According to him, the petitioner is not the owner of the property, but, he is only tenant and infact he has executed a bond agreeing to vacate the premises long ago, but has not vacated. Regarding service of notice and disconnection, he submits that power supply was not disconnected on 10.01.2019 and only notice was issued on 10.01.2019 granting three days time and on 14.01.2019, the service connection was disconnected. He further submits that respondent No.4 is not son in law of respondent No.5 and that respondent No.4 is not married as on today.

7. Learned counsel for the petitioner, the learned Standing Counsel and learned counsel representing respondent No.4 do not dispute the fact that petitioner is in occupation of the subject premises and power supply connection stands on his name. The nature of occupation appears to be in dispute. While petitioner claims as owner of the property, respondent No.4 claims that he is the owner and the petitioner is only tenant and inspite of agreeing to vacate the premises he has not vacated and so he is in illegal occupation of the said premises. This Court is not dwelling into the said dispute.

8. It thus appears that the petitioner is in possession of the subject property and the service connection stands on his name. The issue of the date of disconnection and also on the issue of false claims over the subject property are the matters which required verification. If respondent No.4 is aggrieved by wrong submission made by the petitioner, it is always open to him to work out the remedies.

9. The issue for consideration in this Writ Petition is whether respondent company can disconnect the power supply, on the representation made by respondent No.4?

10. Section 43 of the Electricity Act imposes duty on every distribution licensee to provide power supply to the owner or occupier of the premises. The petitioner herein is occupant of the premises in issue and in terms of the provision contained in Section 43, power supply was provided to him. The decision to disconnect the power supply is on the ground that respondent No.4 is owner of the property and he made representation to disconnect power supply and to change the name in the records in respondent company with reference to the power supply connection. The notice issued is only with reference to the ownership claim to the subject property. However as can be seen from Section 43 what is required is that person must be in occupation of the subject premises. So far no steps are taken by respondent No.4 to evict the petitioner, though he claims that he is the owner and the petitioner is only a tenant. Therefore, as long as petitioner is in occupation of the subject premises, power supply cannot be disconnected without following due process. Hence, the action of respondent company in disconnecting power supply is illegal. As stated above, there is no expression of opinion on the ownership claims and the allegations of making wrong statements regarding relationship of respondent Nos.4 and 5. It is left open to respondent No.4 to work out remedies against the alleged false claims made by the petitioner and on ownership issue.

11. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

12. As a sequel thereto, Miscellaneous Petitions, if any, pending, shall stand closed.

JUSTICE P.NAVEEN RAO

19.03.2019
vnb

