

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4457 OF 2019

ORDER:

1 The prayer of the petitioner in this case reads as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing the impugned order No B/143/2018 dated 08.01.2019 directing the 3rd respondent to stop the power supply to the bore well of the petitioner in his land situated in Sy No 446 of Nallabandagudem Kodad Mandal Suryapet District even without considering the explanation submitted on 2.7.2018 in pursuance to the orders of this Honorable Court in WP No 20702/2018 dated 21.6.2018 and the consequential proceedings of the 3rd respondent in Lr No AAE/Operation/Kodad Rural/File No /D No 1156/18 dated 6.2.2019 as being illegal arbitrary and is in violation of principles of natural justice and fair play apart from in violation of Articles 14 and 21 of the Constitution of India and consequently set aside the same and pass such other relief or reliefs as this Honble Court deems fit and proper in the circumstances of the case.”

2 The petitioner earlier filed Writ Petition No.20702 of 2018 aggrieved by the order passed by the Tahsildar, Kodad Mandal, Suryapet District, under Section 15(2) of the Telangana Water, Land and Trees Act, 2002 (for brevity, ‘the Act of 2002’). The said Writ Petition was disposed of by order dated 21.6.2018, taking note of the fact that the petitioner had not submitted his explanation to the show cause notices dated 30.01.2017 and 03.01.2018, issued under the provisions of the Act of 2002, and setting aside the order impugned in the said Writ Petition while giving him two weeks time to submit his explanation. Pursuant to the aforesaid order, the petitioner submitted his explanation dated 02.07.2018, which was received by the office of the Tahsildar, Kodad Mandal, on 03.07.2018. However, it is an admitted fact that without passing a final order, the Tahsildar, Kodad Mandal, issued communication dated 08.01.2019, to the Additional Assistant Engineer, Telangana State Southern Power Distribution Company Limited, Kodad, requesting him to disconnect power supply to the petitioner’s bore well. Acting thereupon, the electricity authorities straightaway resorted to such disconnection under the proceedings dated 06.02.2019.

3 In the light of the aforestated admitted facts, it is clear that the Tahsildar, Kodad Mandal, is yet to pass a final order after considering the petitioner's explanation dated 02.7.2018, received on 03.7.2018. Without passing such a final order, it is not open to the Tahsildar, Kodad Mandal, to resort to coercive measures as has been done by him in the case on hand.

4 The Writ Petition is accordingly allowed to that limited extent directing the Additional Assistant Engineer, Telangana State Southern Power Distribution Company Limited, Kodad, the 3rd respondent herein, to forthwith restore the power supply to the petitioner's bore well. However, such restoration would abide by the final order that would be passed by the Tahsildar, Kodad Mandal, Suryapet District, after due consideration of the petitioner's explanation dated 02.7.2018 submitted in response to the show cause notices dated 30.01.2017 and 03.01.2018.

5 Pending Miscellaneous Petitions, if any, shall stand closed. No order as to costs.

March 15, 2019.

*Copy by 18.3.2019.
B/o Kvsn*

JUSTICE SANJAY KUMAR