

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 23948 of 2019

ORDER:

This writ petition is filed seeking to declare the inaction of respondent No.3 in not shifting the transformers' situated in house bearing No.1-4-307/C, Gandhi Nagar, Musheerabad, Hyderabad, Telangana State, owned by the petitioner, as illegal and arbitrary.

The petitioner asserts that he sought shifting of transformers within his premises so as to utilise the space available in the best possible manner; that the respondent-DISCOM having considered the technical feasibility of the said request, directed him to pay a sum of Rs.2,88,734/-; that he paid necessary amounts as demanded by DISCOM and that as a matter of fact, DISCOM also commenced the work, however, the same has been stopped at the instance of the individuals, who are inimical to him.

Respondent No.3 filed a counter-affidavit, paragraphs 2 to 4 of which read as under:

"It is submitted that on inspection it was found that the shifting will not cause any hindrance to neighbouring residents and it will cause any obstruction to free flow of traffic as agreed for the shifting and by proceedings, dated 11.06.2019. The total cost of shifting was arrived at Rs.2,88,734/-. The petitioner was also directed to pay the sum of Rs.34,004/- towards supervision and other incidental charges. The amount of Rs.34,004/- was paid by the petitioner and the

petitioner has to make arrangements for shifting on his own.

It is submitted that the petitioner has commenced the work of shifting the transformers but some people claiming to be the resident of neighbouring colony have submitted a representation dated 18.10.2019 to the District Collector by marking a copy to this respondent objecting to the shifting of transformer. One Telangana Dalit Safai Karmachari Manch has also submitted a objection letter, dated 30.09.2019 to the Chairman and Managing Director of the respondent Company.

It is submitted that based on the above representations filed on the resistance of the locality people, the 3rd respondent has issued a letter dated 26.08.2019 to the petitioner to stop the shifting of transformers.”

Along with the counter-affidavit, respondent No.3 filed copies of objections of Sri Mahankali Devalaya Committee and Telangana Dalit Safai Karmachari Manch dated 18.10.2019 and 03.09.2019 respectively.

The above-stated objections, by itself, do not disclose that there being any right in them with respect to the property in question or in the subject matter. As far as the shifting of transformers is concerned, it is the decision of DISCOM subject to the technical feasibility. However, there is no technical objection with respect to the shifting of the transformer, as evident from the estimate submitted by DISCOM. The work, which has commenced, cannot be stopped at the instance of the third parties, who have no interest either in the subject matter or in the property in question.

In those circumstances, in the event of any of the parties object to the work, DISCOM shall be entitled to take necessary police aid to complete the same. It is needless to mention that the Law Enforcing Agency shall be obliged to provide assistance as is required. The work commenced may be completed within a period of three months from the date of receipt of a copy of this order.

With the above, the writ petition is disposed of.

Miscellaneous Petitions, if any pending, shall stand disposed of. There shall be no order as to costs.

Dt:28.11.2019

kdl

CHALLA KODANDA RAM, J

