

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 24837 of 2019

ORDER:

This writ petition is filed challenging the action of respondents 2 and 3 in not releasing the power supply to the petitioner's property bearing No.301 in 3rd floor, admeasuring 1525 Square feet of the HS Royal Complex, bearing GHMC Nos.8-1-40/1/A, 8-1-40/1/B, 8-1-40/1/C, 8-1-40/1/D, 8-1-40/1/E and 8-1-40/1/F, situated at Shaikpet Village, Hyderabad and for a consequential direction to the respondents to release the power supply to the petitioner's premises without insisting the petitioner to obtain Occupancy Certificate from the 4th respondent.

The case of the petitioner is that she purchased the subject property from HS constructions through registered sale deed vide Document No.108/2017, dt.09.01.2017. The HS constructions obtained the development agreement-cum-GPA from the land owners Smt.G.Indira and seven others vide development agreement-cum-GPA vide Doc.No.3050/2012, dt.15.03.2012. Thereafter, the HS constructions constructed residential apartments (72 flats) in Ground + 5 upper floors, in violation of sanctioned plan and alienated the flats to the prospective purchasers. Thereafter, it has submitted an application for building regularization in respect of the schedule property vide application No.2000058010, dt.30.12.2015, and the same is pending. After purchase of the subject flat the petitioner made an application to respondents 2 and 3 for electricity connection. But, the respondents 2 and 3 insisting the petitioner to produce Occupancy Certificate from 4th respondent. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner who submits that though the petitioner's application for regularisation of his flat is pending, the respondents 2 and 3 are insisting the petitioner to produce Occupancy Certificate for release of the power supply to the subject property of the petitioner and that in similar circumstances this Court disposed of WP.No.20419 of 2019 vide order dt.19.09.2019.

The same is seriously opposed by Sri R.Vinod Reddy, learned Standing Counsel for respondents 1 to 3 stating that the petitioner does not have even building permission, as such, the aforesaid order has no application to the facts of the present case.

It is to be seen that the respondents being public authorities have to receive the application. If they are not willing to grant permission, they have to pass a reasoned order, so that the petitioner is able to challenge the same.

In view of the same, the competent authority is directed to receive the application of the petitioner and pass appropriate orders after taking the above facts into account.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any, pending shall stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

12.11.2019
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