

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 9504 OF 2020

Between:

M/s. Uma's Developers, Rep. by its Partner Bollepalli Uma, W/o Sri B. Uma Maheswara Rao, Aged about 43 years, Occ: Business, Rio Flat No.405, Block A, CSR Residency, Plot Nos.50 and 51, H.No.2-56/33/K/50, Ayyappa Society, Meridian School Lane, Madhapur, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Power and Energy Department, Secretariat, Hyderabad - 500022.
2. Southern Power Distribution Company Ltd., of Telangana Rep. by its Chairman and Managing Director, Mint Compound, Hyderabad.
3. Southern Power Distribution Company Ltd., of Telangana Rep., by its Divisional Engineer (Operation) Kukatpally Division, Medchal.
4. Nizampet Municipal Corporation, Rep. by its Commissioner, Nizampet, Medchal - Malkajgiri

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not releasing the power supply to the petitioner building at premises bearing Plot Nos.270, 271 and 271/A, admeasuring 600 sq yards in Sy.Nos.28, 29, and 30, situated at Bachupalli Village, Gram Panchayat and Mandal, Medchal - Malkajgiri District as illegal, null, void, arbitrary and consequently direct the respondents to release the power supply without insisting for occupancy certificate.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd and 3rd Respondents to release the power supply to the petitioner buildings at premises bearing Plot Nos.270, 271 and 271/A, admeasuring 600 sq yards in Sy.Nos.28, 29, and 30, situated at Bachupalli Village, Gram Panchayat and Mandal, Medchal - Malkajgiri District.

Counsel for the Petitioner: SRI HARI KISHAN KUDIKALA

Counsel for the Respondent No.1: GP FOR ENERGY

Counsel for the Respondent Nos.2 & 3: SRI. R. VINOD REDDY, SC FOR TSSPDCL

**Counsel for the Respondent No.4: SRI. N. PRAVEEN KUMAR,
SC FOR MUNICIPALITIES**

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION No.9504 OF 2020

ORDER:

This Writ Petition is filed for the following relief:

"...to issue an appropriate writ, order direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the power supply to the petitioner building at premises bearing Plot Nos.270, 271 & 271/A, admeasuring 600 sq. yards in Sy.Nos.28, 29 & 30, situated at Bachupalli Village, Gram Panchayat and Mandal, Medchal-Malkajgiri District, as illegal, null, void, arbitrary and consequently direct the respondents to release the power supply without insisting for occupancy certificate..."

2. When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the order dated 26.07.2018 passed by this Court in W.P.No.26085 of 2018.

3. Learned Government Pleader for Energy, appearing for respondent No.1, Sri R.Vinod Reddy, learned Standing Counsel for Telangana State Southern Power Distribution Company Limited, appearing for respondent Nos.1 to 3 and Sri N.Praveen Kumar, learned Standing Counsel for respondent No.4, do not dispute the aforesaid submission.

4. In view of the above, for the reasons alike in the said order, this Writ Petition is disposed of directing the respondents to release power supply to the premises of the petitioner subject to the compliance of the terms and conditions and on furnishing an undertaking to produce the occupancy certificate from the concerned Municipal Corporation within a prescribed period, and if

no such occupancy certificate is produced within such period, it is open to the respondents to take appropriate action in accordance with law. Miscellaneous petitions pending, if any, shall stand disposed of. There shall be no order as to costs.

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Power and Energy Department, State of Telangana, Secretariat, Hyderabad - 500022.
2. The Chairman and Managing Director, Southern Power Distribution Company Ltd., of Telangana, Mint Compound, Hyderabad.
3. The Divisional Engineer (Operation), Southern Power Distribution Company Ltd., of Telangana, Kukatpally Division, Medchal.
4. The Commissioner, Nizampet Municipal Corporation, Nizampet, Medchal - Malkajgiri
5. One CC to Sri Hari Kishan Kudikala, Advocate [OPUC]
6. Two CCs to GP For Energy, High Court for the State of Telangana. [OUT]
7. One CC to Sri. R. Vinod Reddy, SC FOR TSSPDCL [OPUC]
8. One CC to Sri. N. Praveen Kumar, SC for Municipalities [OPUC]

(Along with a copy of order, dated 26.07.2018 in W.P.No.26085 of 2018)

9. Two CD Copies.

CHR



HIGH COURT

DATED:30/06/2020

ORDER

W.P.No.9504 of 2020



ALLOWING THE WRIT PETITION
WITHOUT COSTS

ATM 11/7/2020

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.26085 of 2018

ORDER:

Heard counsel for the petitioner, Sri R. Vinod Reddy, Standing Counsel for Telangana State Southern Power Distribution Corporation Limited, appearing for respondents 1 to 3, and Sri L.Venkateshwar Rao, Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for 4th respondent.

2. It is stated by learned counsel appearing for the petitioner as well as Sri R.Vinod Reddy, Standing counsel appearing for respondent Nos.1 to 3 that the issue in this Writ Petition is covered by the order of this Court dt.23.03.2018 in W.P.No.9789 of 2018.

3. Therefore for reasons alike, this Writ Petition is also disposed of with a direction to the respondents to release the power supply to the premises of the petitioner subject to the compliance of the terms and conditions and on furnishing an undertaking to produce the occupancy certificate from the concerned Municipal Corporation within a prescribed period, and if no such occupancy certificate is produced within such period, it is open to the respondents to take appropriate action in accordance with law. There shall be no order as to costs

4. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

26th July, 2018.

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