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

THURSDAY, THE SEVENTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 23091 OF 2020

Between:

Maddirala Srivishnu Vardhan, S/o Sri M. Jaya Prasad, Aged about 21 years, Occ. Business, R/o H.No.4-2-141/1, Venkateswara Colony, Raithunagar, Bodhan, Nizamabad.

...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 Superintending Engineer (Operation) Medchal Circle, Medchal.
4. Nizampet Municipal Corporation, Rep. by its Commissioner, Nizampet, Medchal-Malkajgiri District.

...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 buildings at premises House bearing Plot Nos.75 part and 76 Part, each admeasuring 222.21 sq yares total admeasuring 444.42 sq yards (out of total 1066.84 sq yares) In Sy.Nos.142 and 143, Situated at BachupallyVillage, Pragathi Nagar Gram Panchayat, Bachupally Mandal, Medchal-Malkajgin 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 House bearing Plot Nos.75 part and 76 Part, each admeasuring 222.21 sq yards total admeasu5ing 444.42 sq yards (out of total 1066.64 sq yards) in Sy.Nos.142 and 143, Situated at BachupallyVillage, Pragathi Nagar Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District.

Counsel for the Petitioner: SRI B. MANOJ KUMAR
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 MUNICIPALITY

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.23091 of 2020

ORDER:

Heard the learned counsel for the petitioner, Sri R.Vinod Reddy, learned Standing counsel appearing for respondent Nos.1 to 3, and the learned Standing counsel appearing for respondent No.4. With their consent, the Writ Petition is disposed of at the stage of admission itself.

When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that the issue raised in the present writ petition is squarely covered by the orders passed this Court in W.P.No.26085 of 2018, dated 26.07.2018, and W.P.No.6030 of 2020, dated 20.04.2020.

The above said submission is not disputed by the learned Standing Counsels appearing for the respondents herein.

In view of the same and for the reasons alike in the order dated 26.07.2018, passed in W.P.No.26085 of 2018, the present Writ Petition is disposed of directing the respondents to release the power supply to the premises of the petitioner, subject to 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.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/- K.ONESIM
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 Superintending Engineer (Operation), Southern Power Distribution Company Ltd., of Telangana, Medchal Circle, Medchal.
4. The Commissioner, Nizampet Municipal Corporation, Nizampet, Medchal-Malkajgiri District.
5. One CC to Sri B. Manoj Kumar, Advocate [OPUC]
6. One CC to Sri R.Vinod Reddy, SC for TSSPDCL, Advocate [OPUC]
7. One CC to Sri N. Praveen Kumar, SC for Municipality, Advocate [OPUC]
8. Two CCs to GP for Energy, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies
   (Along with a copy of order dt:26/07/2018 in W.P.No.26085 of 2018)

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HIGH COURT

DATED:17/12/2020

ORDER

WP.No.23091 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

23/12/2020.

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

WRIT PETITION No.26085 of 2018

O R D E R:

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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