HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY ,THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 23916 OF 2020

Between:

Y. RAMU KUMAR, S/o Y. SRINIVAS GOUD AGE.42 YRS. OCC. BUSINESS R/o 2-2-185/53/5 SOMA SUNDER NAGAR, BAGH AMBERPET, HYDERABAD.

...PETITIONER

AND

1. The Southern Power Distribution Company of Telangana State Ltd, Rep. by its Chairman and Managing Director having its Corporate office at 6-1-50, Mint Compound, Hyderabad 5000063.
2. The Divisional Engineer (Electrical) Operation, City II Division Opp VST TSSPDCL, Azamabad, Hyderabad-20.
3. The Assistant Divisional Engineer (OP), SE/OP/GHYD Central Circle AE Ramalayam -78 T S S P DC L Amberpet Hyderabad.
4. The Greater Hyderabad Municipal Corporation, Rep. by the Commissioner, Near Tank Bund, Hyderabad.

...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 it a writ order or direction more particularly one in the nature of WRIT OF MANDAMUS directing the respondents 1 to 3 to provide electricity connection to the house bearing GHMC No. 2-2-185/53/5 (PTIN No. 1090202369) on A/40, in part of Survey No.3 and Old Sy.No.1, admeasuring 301.00 Sq.yards, or Sq.mtrs, situated at Soma Sunder nagar, Bagh Amberpet, Hyderabad, T.S and bounded by North. Neighbours H.No.2-2-185/56/J, South.Neighbours H.No.2-2- 185/53/5/A, East. 40/Wide road, West. Neighbours house. Without insisting upon occupancy Certificate from the 4th respondent by holding that the refusal to provide electricity connection to the above referred premises as illegal and arbitrary.

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 respondents to provide electricity to the house bearing GHMC No. 2-2-185/53/5 (PTIN No. 1090202369) on A/40, in part of Survey No.3 and Old Sy.No.1, admeasuring 301.00 Sq.yards, or Sq.mtrs, situated at Soma Sunder nagar, Bagh Amberpet, Hyderabad, T.S and bounded by North. Neighbours H.No.2-2-185/56/1, South. Neighbours H.No.2-2-185/53/5/A, East. 40'Wide road, West.Neighbours house. Without insisting upon occupancy certificate from 4th respondent pending disposal of main writ petition and deem fit and proper in the circumstance of the case.

Counsel for the Petitioner : SMT. THAKUR ROOPA SINGH
Counsel for the Respondent Nos. 1 to 3: SRI R. VINOD REDDY, SC FOR TSSPDCL
Counsel for the Respondent No.4 : SRI SAMPATH PRABHAKAR REDDY, SC FOR GHMC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.23916 of 2020

ORDER:

Heard the learned counsel for the petitioner, Sri R.Vinod Reddy, learned Standing counsel for Telangana State Southern Power Distribution Company Limited appearing for respondent Nos.1 to 3, and Sri Sampath Prabhakar Reddy, 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 by 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.SAILESHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman and Managing Director, Southern Power Distribution Company of Telangana State Ltd. having its Corporate office at 6-1-50, Mint Compound, Hyderabad 5000063.
2. The Divisional Engineer (Electrical) Operation, City II Division Opp VST TSSPDCL, Azamabad, Hyderabad-20.
3. The Assistant Divisional Engineer (OP), SE/OP/GHYD Central Circle AE Ramalayam -78 T S S P DC L Amberpet Hyderabad.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Near Tank Bund, Hyderabad.
5. One CC to Smt. Thakur Roopa Singh, Advocate [OPUC]
6. One CC to Sri R.Vinod Reddy, SC for TSSPDCL, Advocate [OPUC]
7. One CC to Sri Sampath Prabhakar Reddy, SC for GHMC, Advocate [OPUC]
8. 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:28/12/2020

ORDER

WP.No.23916 of 2020



DISPOSING OF THE WP

WITHOUT COSTS

04/01/2021.

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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