

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

**WEDNESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY ONE**

PRESENT

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION NO: 11173 OF 2021

Between:

M/s. Rudhra Constructions Private Limited, Rep. by its Managing Director Pallemati Naveen S/o Sri P. Ramchandra Rao, aged about 40 years, Occ. Business, R/o Flat No.403, Plot Nos.98, 99 and 100, Ramachandra Residency, Srinivasa Nagar Colony, Nizampet, 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 The Chief General Manager (Commercial) Corporate Office, Hyderabad.
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 Property bearing Open land admeasuring 4840 sq yards in Sy.No.143 (Part), Situated at Bachupally Village and Mandel, 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 2021

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 building at premises Property bearing Open land admeasuring 4840 sq yards in Sy.No.143 (Part), Situated at Bachupally Village and Mandel, 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 MUNICIPALITIES**

The Court at the stage of admission made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.11173 of 2021

ORDER:

Heard the learned counsel for the petitioner, learned G.P. for Energy for respondent No.1, Sri R.Vinod Reddy, learned Standing counsel for Telangana State Southern Power Distribution Company Limited appearing for respondent Nos.2 and 3, and Sri N.Praveen Kumar, 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. Further, this order does not preclude the

official respondents from rejecting the application made by the petitioner, if it is found that the subject property is a vacant land and no structure is in existence.

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

//TRUE COPY//

SD/- K.VENKAIAH
ASSISTANT REGISTRAR
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 The Chief General Manager (Commercial), Southern Power Distribution Company Ltd., of Telangana, Corporate Office, Hyderabad.
4. The Commissioner, Nizampet Municipal Corporation, Nizampet, Medchal-Malkajgiri District.
5. One CC to Sri B. Manoj Kumar, Advocate [OPUC]
6. Two CCs to GP for Energy, High Court for the State of Telangana at Hyderabad. [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 in W.P.No.26085 of 2018, dated 26.07.2018.)

9. Two CD Copies

CHR



HIGH COURT

DATED:28/04/2021

ORDER

W.P.No.11173 of 2021



**DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS**

ADM (11) / En
20/5/2021

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.

26th July, 2018.

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M.S.RAMACHANDRA RAO, J