

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

FRIDAY, THE TWENTY SECOND DAY OF OCTOBER
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 26243 OF 2021

Between:

Orange Properties, Rep by its Managing partner Karnati Srinivas S/o. K. Lingaiah, Age. 57 years, Occ.Business, R/o. 2-1-1/4 to 8 and 2-1-1/12 to 16 Plot Nos. 4 to 8 and 12 to 16 Saraswathi Colony, Uppal Khalsa Village, Uppal, 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 Superintending Engineer, Operation Habsiguda Circle, TSSPDCL Habsiguda.
3. The Assistant Divisional Engineer, SE/O/ RR East, AE Uppal, TSSPDCL
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 property house bearing Plot Nos. 4 to 8 and 12 to 16 in Saraswathi colony, having H.No. 2-1-1/4 to 8 and H.No. 2-1-1/12 to 16 admeasuring total area to the extent of 5150 Sq.yds., in survey No. 588/1 of Uppal Khalsa Village, Uppal, Hyderabad and bounded by North. plot No. 3 and 17, South. plot Nos. 9 and 11, East. 30' wide road, West. 200' wide inner ring road. 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 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 respondents to provide electricity to the house property house bearing Plot Nos. 4 to 8 and 12 to 16 in Saraswathi colony, having H.No. 2-1-1/4 to 8 and H.No. 2-1-1/12 to 16 admeasuring total area to the extent of 5150 Sq.yds., in survey No. 588/1 of Uppal Khalsa Village, Uppal, Hyderabad and bounded by North. plot No. 3 & 17; South. plot Nos. 9 & 11; East. 30' wide road; West. 200' wide inner ring road 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 HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.26243 OF 2021

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 directing the respondents 1 to 3 to provide electricity connection to the house bearing Plot Nos.4 to 8 and 12 to 16 in Saraswathi colony, having H.No.2-1-1/4 to 8 and H.No.2-1-1/12 to 16 admeasuring total area to the extent of 5150 sq.yards., in survey No.588/1 of Uppal Khalsa Village, Uppal, Hyderabad and bounded by North:Plot No.3 & 17; South: Plot Nos.9 & 11; East:30' wide road; West:200' wide inner ring road without insisting upon occupancy certificate from 4th respondent....."

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. 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 for Greater Hyderabad Municipal Corporation, appearing 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 closed.

There shall be no order as to costs.

//TRUE COPY//

SD/-K.ONESIM
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Chairman and Managing Director, Southern Power Distribution Company of Telangana State Ltd., Corporate office at 6-1-50, Mint Compound, Hyderabad 5000063.
2. The Superintending Engineer, Operation Habsiguda Circle, TSSPDCL Habsiguda.
3. The Assistant Divisional Engineer, SE/O/ RR East, AE Uppal, TSSPDCL
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 [OPUC]
7. One CC to Sri. Sampath Prabhakar Reddy, SC for GHMC (OPUC)
8. Two CD Copies.
9. One Spare Copy.

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

PM

HIGH COURT

DATED:22/10/2021

ORDER

WP.No.26243 of 2021



**Disposing of the WP
Without costs.**

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[Signature]
26/10/2021

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.

M.S.RAMACHANDRA RAO, J

26th July, 2018.

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