

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

**FRIDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION NO: 16224 OF 2021

Between:

Yalamala Yadhagiri, S/o Balakishtaiah, Aged about 41 year, Occ: Business,
R/o H. No.3-181/6, Ground Floor, Nandhi Hills, Meerpet, Balapur Mandal,
R.R.District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Pri Secretary, Energy Department, Secretariat, Hyderabad.
2. The Chairman and Managing Director, Telangana State Southern Power, Distribution Company Ltd., Telangana at Hyderabad.
3. The Superintendent Engineer, TSSPDCL, Ranga Reddy District.
4. The Divisional Engineer, TSSPDCL, Champapet Division, R. R. District.
5. The Asst Engineer, Sub Station, Nandanavanam, Saroornagar Mandal, R. R. 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 a Writ order or direction more particularly one in the nature of Writ of Mandamus, by declaring the against the action of the Respondent No. 4 and 5 in non receiving the representations of the Petitioner and non initiating to disconnect the unwanted power/electricity connection in the house of the Petitioner at Plot No.66, Door No.7-98/1 situated at Ambedkarnagar Colony, Meerpet, Saroornagar, R.R. District, as illegal, arbitrary and against the principles of natural justice and violative of Article 14, 19, 21 of constitution of India and consequently to direct the Respondent No. 4 and 5 to receive the representations made by the Petitioner and disconnect/dismantle the unwanted power/electricity connection in the house of the Petitioner at Plot No.66, Door No.7-98/1, situated at Ambedkarnagar Colony, Meerpet, Saroornagar, R. R. District.

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 Respondent No. 4 and 5 to receive the representations of the Petitioner and disconnect the unwanted power/electricity connection in the house of the Petitioner at Plot No.66, Door No.7-98/1, situated at Ambedkarnagar Colony, Meerpet, Saroornagar, R.R. District.

Counsel for the Petitioner: SRI RAPOLU BHASKAR

Counsel for the Respondent Nos.1 to 3: GP FOR ENERGY

Counsel for the Respondent Nos.4 & 5: SRI R.VINOD REDDY, SC FOR TS TRANSCO

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No.16224 of 2021

ORDER:

This writ petition is filed for the following relief:

"...to issue writ order or direction more particularly one in the nature of Writ of Mandamus, declaring against the action of the respondent Nos.4 and 5 in not receiving the representations of the petitioner and non initiating to disconnect the unwanted power/electricity connection in the house of the petitioner at Plot No.66, Door No.7-98/1, situated at Ambedkarnagar Colony, Meerpet, Saroornagar, Ranga Reddy District, as illegal, arbitrary and against the principles of natural justice and violative of Article 14, 19, 21 of Constitution of India..."

2. Heard Sri Rapolu Bhaskar, the Learned Counsel for the petitioner and Learned Government Pleader for Energy appearing for the respondent Nos.1 to 3 and Sri R.Vinod Reddy, Learned Standing Counsel for TS TRANSCO appearing for the respondent Nos.4 and 5.

3. The Learned Counsel for the petitioner submits that the petitioner is the owner of the Plot No.66, Door No.7-98/1, situated at Ambedkarnagar Colony, Meerpet, Saroornagar, Ranga Reddy District. The petitioner constructed a building and let out the same on rent basis from 2013 to one Madhan Mohan Reddy through Lease Deed dated 04.12.2013, as such he established a Hospital on the name and style of Surya Hospital, and he obtained 3-Phase Electricity Power Connection through Consumer Service No.251504116, Exist.Category:2, and No.251504398, Exist.Category:2, for running heavy machines and other equipments in the Hospital and since 2013, the said Madan Mohan Reddy is continuing as a Tenant in the building of the petitioner. Later, the tenant met with an accident and died on 04.06.2021. After his death the lease deed between the petitioner and the deceased automatically terminated. Thereafter, the petitioner approached the wife of the deceased and settled the matter, then the petitioner intended to disconnect the

unwanted electricity 3-Phase Connection to his building. As such, the petitioner approached the respondent No.5 and made a representation and requested to disconnect/dismantle the unwanted Electricity connection to the building, but the respondent No.5 refused to receive the complaint and did not initiate to consider the request of the petitioner.

4. Thereafter, the petitioner approached the respondent No.4 and made a representation, but the respondent No.4 also refused to consider the representation of the petitioner. Therefore the petitioner approached this Court and filed this Writ Petition. As the respondents are not disposing of the representation of the petitioners, the present writ petition is filed.

5. Learned Standing Counsel for the respondents submit that the petitioner has filed an application dated 06.07.2021 to dismantle Service Connection. After receipt of the application, the officials of the respondent No.2 have

visited the premises where the Service Connection is located and it was noticed that Sri Surya Multi Specialty Hospital is being run in the said premises. The petitioner has filed a Lease Deed dated 04.12.2013 which reveals that the premises constructed on Plot No.56 is leased to Sri Surya Multi Specialty Hospital. The lease deed is in force up to 31.12.2023. The power supply cannot be disconnected as a Hospital is being run in the premises by utilizing the power from the Service Connection. It is submitted that the petitioner has stated in his Affidavit that a person by name Mr.Madhan Mohan Reddy who is the tenant of the premises and where Sri Surya Multi Speciality Hospital is being run has expired on 04.06.2021. The petitioner should have made the legal heirs of Mr.Madhan Mohan Reddy as parties to this Writ Petition and the Writ Petition is liable to be dismissed for not impleading proper and necessary parties. It is further submitted that the respondents are not empowered to disconnect power supply when the property is in possession of tenants or any other

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persons. The petitioner has to seek recourse to Civil Courts to for appropriate remedy.

6. After hearing both sides and in view of the submission made by the learned Standing Counsel for the respondents, the writ petition is liable to be dismissed as Sri Surya Multi Speciality Hospital is being run in the scheduled property and also not impleading the proper and necessary parties.

7. Accordingly, the Writ Petition is dismissed. There shall no order as to costs.

8. Miscellaneous petitions pending, if any, shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

JB
SECTION OFFICER

To

1. Two CCs to GP FOR ENERGY, High Court for the State of Telangana, at Hyderabad. [OUT]
2. One CC to SRI RAPOLU BHASKAR, Advocate [OPUC]
3. One CC to SRI R.VINOD REDDY, SC FOR TS TRANSCO [OPUC]
4. Two CD Copies

PSK.

SW

Pma.

HIGH COURT

DATED:30/12/2022

ORDER

WP.No.16224 of 2021



DISMISSING THE WRIT PETITION
WITHOUT COSTS.

⑦ PMA.
30/1/23.