

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

**THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 20169 OF 2022

Between:

M/s. Poojitha Estates, Rep. by its Partner S. Mohan Rao S/o S. Nagendram,
aged about 56 years, Occ. Business, R/o Plot No.36, Sunder Nagar,
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 its Divisional Engineer (Operation) Kukatpally Division, 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 Property bearing Plot No.72, admeasuring 266.66 sq yards, covered by Sy.Nos.264 and 265, Situated at Bachupally village and Grampanchayat. Quthbullapur Mandal, Ranga Reddy District, now, 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 2022

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 Plot No.72, admeasuring 266.66 sq yards, covered by Sy.Nos.264 and 265, Situated at Bachupally village and Grampanchayat Quthbullapur Mandal, Ranga Reddy District, now, 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 KUMAR,
SC FOR TSSPDCL**

**Counsel for the Respondent No. 4: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITIES**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.20169 of 2022

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Energy appearing 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 present Writ Petition is being disposed of at the stage of admission itself.

2) 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.

3) The above said submission is not disputed by the learned Standing Counsel appearing for the respondent Nos.2 & 3 and 4 herein.

4) In view of the above 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 subject premises of the petitioner, subject to compliance of the terms and conditions and on furnishing an undertaking to produce the occupancy certificate from the Municipal Corporation concerned, 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.

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR
SECTION OFFICER

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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 Divisional Engineer (Operation) Southern Power Distribution Company Ltd., of Telangana, Kukatpally Division, 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 [OPUC]
7. One CC to SRI N. PRAVEEN KUMAR, SC FOR MUNICIPALITIES [OPUC]
8. Two CCs to GP FOR ENERGY, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies.
10. One spare copy

(Along with the copy of order dated 26.07.2018 in W.P. NO. 26085 of 2018)

NPJ



HIGH COURT

DATED:21/04/2022

ORDER

WP.No.20169 of 2022



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

(12) VW
6/5/22

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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