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

FRIDAY ,THE TWENTY SECOND DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 26108 OF 2008

Between:

1. B. Manohar Reddy (Died as per Lrs PP2 to 5), S/o. Late B. Muthyam Reddy, aged 65 years, Occ: Business, r/o. House No. 1-2-605/A/7 to 16 Lower Tank Bund Road, Hyderabad - 500 010.
2. B.Amulya, W/o. B.Manohar Reddy, aged about 68 years, R/o. 1-2-605/A/9, Lower Tank Bund, Hyderabad-80.
3. P.Meena Reddy, W/o. P.Srinivasa Reddy, aged about 46 years, R/o. 1-2-605/A/9, Lower Tank Bund, Hyderabad-80.
4. B.Muthyam Reddy, S/o. Late B.Manohar Reddy, aged about 49 years, R/o. 1-2-605/A/9, Lower Tank Bund, Hyderabad-80.
5. B.Preetham Reddy, S/o. Late B.Manohar Reddy, aged about 45 years, R/o. 1-2-605/A/9, Lower Tank Bund, Hyderabad-80.

   (PP2 to 5 are brought on record as LRs of the deceased petitioner no.1 as per C.O. dt. 22.11.2024 in I.A.No.1/2022)

...PETITIONER

AND

1. The Andhra Pradesh Central Power Distribution Corporation Limited, Rep by its Managing Director, Office at Vidyut – Soudha, Khairatabad, Hyderabad – 500 004
2. The Assistant Engineer, Electrical Operations, The Andhra Pradesh Central Power Distribution Corporation Ltd. Kavadiguda, 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 a writ or order/s more particularly one in the nature of Writ of Mandamus declaring the notice -cum-disconnection order dated 13-11-2008 and 15-11-2008 of the second respondent, as being illegal, arbitrary and unconstitutional, and consequently direct the 2nd respondent to withdraw the said notices

I.A. NO: 2 OF 2008(WPMP. NO: 34162 OF 2008)

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 respondent not to disconnect the power supply to the petitioner service connection Nos. F4-25043, F4-25044, F4-25-45, F4-25046, F4-25047, F4-25048, F4-22632, F4-22634, F4-20382, F4-20379 and F4-21606, pending disposal of the writ petition

Counsel for the Petitioner: SRI VIVEK JAIN

Counsel for the Respondent No.1 & 2: SRI R.VINOD REDDY SC FOR TSSPDCL

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.26108 of 2008

ORDER:

Heard Sri Vivek Jain, learned counsel appearing on behalf of the petitioner, and Sri R.Vinod Reddy, learned Standing Counsel for TSSPDCL, appearing for respondent Nos.1 and 2.

2. The petitioner approached the Court seeking prayer as follows:

> "...to issue a writ or order, more particularly one in the nature of Writ of *Mandamus* declaring the notice-cum-disconnection order dated 13-11-2008 and 15-11-2008 of the second respondent as being illegal, arbitrary and unconstitutional and consequently direct the 2nd respondent to withdraw the said notices and be pleased to pass...".

3. It is the case of the petitioner that he is the owner of property bearing premises Nos. 1-2-605/A/7-to 16, Lower tank bund road, Hyderabad and had been paying power consumption charges regularly without any due. The 2nd respondent issued notice-cum-disconnection order dated 13.11.2008 and 15.11.2008 demanding payment of

Rs.69,419/- and Rs.35,668 respectively, lying in the name of one Sri S. Ramesh Reddy for the premises bearing No. 1-2-605/A/2, Lower tank bund road, Hyderabad, who is neighbour to the petitioner. The petitioner got issued a reply to the said notices on 18.11.2008. Hence, the writ petition.

PERUSED THE RECORD

4. **Sri R.Vinod Reddy, learned Standing Counsel for TSSPDCL, appearing for respondent Nos 1 and 2, places reliance on the averments made in the counter affidavit filed on behalf of the respondent No.2 and in particular the relevant portion of para No.4 is extracted hereunder:**

> "...I submit that since the petitioner herein is the agreement holder and is in possession of the property right from the year 1987, the petitioner is liable to pay the arrears. I submit that the petitioner herein is in possession of all the premises i.e. from H.No. 1-2-605/A/2 to 6 are utilized by the petitioner herein and one of the premises has been given on lease to the Greater Family Club. I submit that the petitioner is liable to pay the arrears due on the two service

connections and the notice issued by this respondent is perfectly legal and void".

5. Sri R.Vinod Reddy, learned Standing Counsel for TSSPDCL, appearing for respondent Nos.1 and 2 submits that since the petitioner herein is the agreement holder and is in possession of the said property right from the year 1987 he is liable to pay the arrears, since House No.1-2-605/A/2 to 16 are utilized by the petitioner herein though one of the premises had been given to the Greater Family Club. It is further contended by the learned Standing Counsel appearing on behalf of the respondents that petitioners are liable to pay arrears due on the two service connections and hence the notice had been issued by the respondents to the petitioner and the same is legal and valid.

6. In view of the fact as borne on record that the interim order granted by this Court on 28.11.2008 vide W.P.M.P. No. 34162 of 2008 has been made absolute vide its order dated 24.11.2010 in W.P.M.P. No. 34162 of 2008 and it has been in force as on date, the learned counsel for the petitioner submits that the respondents may proceed against the

petitioner by issuing fresh notices in the event the respondents intend to proceed against the petitioner for recovery. The learned counsel appearing on behalf of the respondents does not dispute the said submission made on behalf of the learned counsel appearing on behalf of the petitioner.

7. Taking into consideration the aforesaid facts and circumstances of the case and the averments made at para No.4 of the counter affidavit filed on behalf of the respondent No.2 referred to and extracted above, the writ petition is disposed of directing the respondents to proceed against the petitioner by issuing fresh notice to the petitioner in respect of S.C. No. F4-18743 and F4-16658, in the event respondents intend to disconnect the said power supply or proceed for recovery in respect of the dues pending in respect of S.C. No.F4-18743 and F4-16658 pertaining to property bearing Number 1-2-605/A/7 to 16 Lower Tank Bund Road, Hyderabad of the petitioner herein. Accordingly the writ petition is disposed of. However, there shall be no order as to costs.

The miscellaneous applications, if any, shall stand closed. However, there shall be no order as to costs.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Managing Director, Andhra Pradesh Central Power Distribution Ltd., Office at Vidyut - Soudha
2. The Assistant Engineer, Electrical Operations, The Andhra Pradesh Central Power Distribution Corporation Ltd. Kavadiguda, Hyderabad.
3. One CC to SRI VIVEK JAIN Advocate [OPUC]
4. One CC to SRI R.VINOD REDDY, SC FOR TSSPDCL [OPUC]
5. Two CD Copies

KKS
GJP

HIGH COURT

DATED:22/11/2024



ORDER

WP.No.26108 of 2008

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

4/12/25