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

THURSDAY, THE TWENTY FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 24380 OF 2023

Between:

Bellamkonda Papa Rao, S/o. Chandraiah, aged 66 years, R/o. H No. 9-2-97/Ba/4, Kunavaram Road, Santhi Nagar, Opp. Kavya Gardens, Bhadrachalam 507 111, Bhadradri Kothagudem District

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Energy Department Secretariat, Hyderabad
2. The Northern Power Distribution Company Ltd., Rep by its Managing Director, Vidyut Bhavan Nakkalagutta, Hanamkonda, Warangal District
3. The Assistant Divisional Engineer, Operation, NPDCL, Bhadrachalam, Bhadradri Kothagudem District
4. The Assistant Engineer, The Northern Power Distribution Company Ltd., (NPDCL) Bhadrachalam, Bhadradri Kothagudem District
5. Smt Putty Lakshmi, W/o. Srinivasa Rao Aged 54 years, Occ. house wife, R/o. H No. 9-2-98/8A/7, Shanti Nagar Colony Opp. CRPF camp, Bhadrachalam, Bhadradri Kothagudem 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, declaring the action of the respondents 3 and 4 in granting electricity connection in favour of the 5th respondent in connection with the H No. 9-2-97/8A/4 in Sy No. 165/1 of Shanthi Nagar Colony, Opp. CRPF Camp, Bhadrachalam belongs to the petitioner illegally without knowledge of the petitioner and without following due process of law and also without verifying the title of the property and also violating the directions of the Honble High Court passed in W.P. no. 30930 of 2022, dated 28.07.2022 is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the respondents 2 to 4 to cancel or remove the service connection granted in favour of the 5th respondent by restoring the power

connection in favour of the petitioner house property H No. 9-2-97/8A/4 in SC No. 08101-17636 in the interest of justice.

IA NO: 1 OF 2023

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 2 to 4 to restore the power connection in favour of the petitioner in connection with H No. H No. 9-2-97/8A/4 in Sy No. 165/1 of Shanthi Nagar Colony, Opp. CRPF Camp, Bhadrachalam in SC No. 08101-17636 by removing / cancel the power connection with SC No. 08101-26291 granted in favour of the 5th respondent, pending disposal of the main writ petition.

Counsel for the Petitioner: SRI DEVARA SAMHITHA

Counsel for the Respondent No.1: ASST. GP FOR ENERGY

Counsel for the Respondent No.2 to 4: SRI ZAKIR ALI DANISH, SC FOR TSNPDCL

Counsel for the Respondent No.5: SRI CH. JAYAKRISHNA

The Court made the following: ORDER

HON'BLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION No.24380 of 2023

ORDER:

Heard Sri Devara Samhitha, learned counsel appearing on behalf of petitioner, learned Assistant Government Pleader for Energy, appearing on behalf of respondent No.1, Sri Zakir Ali Danish, learned Standing Counsel for TSNPDCL, appearing on behalf of respondent Nos.2 to 4 and Sri Ch. Jayakrishna, learned counsel appearing on behalf of respondent No.5.

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

> ".....to issue a Writ order or direction more particularly one in the nature of Writ of *Mandamus* declaring the action of the respondents 3 and 4 in granting electricity connection in favour of the 5th respondent in connection with the H.No. 9-2-97/8A/4 in Sy.No.165/1 of Shanthi Nagar Colony, Opp : CRPF Camp, Bhadrachalam belongs to the petitioner illegally without knowledge of the petitioner and without following due process of law and also without verifying the title of the property and also violating the directions of the Hon'ble High Court passed in W.P. No.30930 of 2022 dated

28.07.2022 is illegal, arbitrary and against the principles of natural justice and also violative of Articles 14, 19, 21 and 300-A of Constitution of India and consequently direct the respondents 2 to 4 to cancel or remove the service connection granted in favour of the 5th respondent by restoring the power connection in favour of the petitioner house property H.No.9-2-97/8A/4 in SC No.08101-17636 in the interest of justice and to pass...".

3. The case of the petitioner in brief is that the petitioner is the absolute owner and possessor of the house bearing No.9-2-97/8A/4 in Sy.No. 165/1 of Shanthi Nagar Colony, Opp: CRPF Camp, Bhadrachalam having inherited the same from his ancestors. The 5th respondent, who is the sister of the petitioner, is illegally trying to take the possession of the house. Thereafter the 5th respondent has got power connection in her name in connection with the subject house bearing No.9-2-97/8A/4 instead of House No.9-2-97/8A/7. The petitioner approached the respondent Nos.2 to 4 who failed to consider the representation of the petitioner seeking to cancel or remove the service connection granted in favour of the 5th respondent. Hence, the writ petition.

PERUSED THE RECORD.

4. The counter affidavit has been filed on behalf of respondent No.3, in particular para Nos.5 and 6 and relevant portion of para No.8 is extracted hereunder:

> "**5.** It is further submitted that, the District Panchayat Officer, Bhadrachalam has conducted enquiry and stated that at the time of enquiry the respondent No.5 is staying at the said premises of H.No. 9-2-97/8A/4 in Sy.No.165/1 of Shanthi Nagar Colony, Opp. CRPF "Camp, Bhadrachalam and the documents possessed by the petitioner are forged one and complaint was filed against petitioner *vide* FIR No. 325 of 2021, the copy of FIR is enclosed herewith.
>
> **6.** It is further submitted that, in compliance to the interim direction passed in W.P. No. 30930 of 2022 on 28.07.2022 to release new electrical connection in the name of respondent No. 5 by conducting necessary enquiry and if respondent No.5 is found to be in possession of the property at Sy.No.165/1 of Shanthinagar, Opp. CRPF Camp. Bhadrachalam. **Accordingly, enquiry was conducted by respondent No. 3 and found that respondent No. 5 is living at the premises at Sy.No 165/1 of Shanthi Nagar,**

Opp. CRPF Camp, Bhadrachalam, as such service connection was released in favour of respondent No. 5 *vide* SC No.08101-26291 on 29.08.2022.

8. Admittedly already there is a service connection provided to the 5th respondent after conducting the enquiry in terms of the direction of the Hon'ble High Court, as such the rule does not permit to provide another service connection on the very same number unless it is shown that two separate kitchens are established and people are living separately. Therefore, the contention of the petitioner that he is entitled to restore the power supply is not tenable. More particularly in view of the fact that it is a residential premise whereas the service connection No. 08101-17636 was obtained for commercial purpose without filing proper documents in this regard. As such there is no merit in the writ petition and the same is liable to be dismissed".

5. The interim order dated 28.07.2022 in W.P. No. 30930 of 2022 passed in favour of the 5th respondent is extracted hereunder:

"It appears that earlier service connection extended to the petitioner's property bearing H.No.9-2-97/8A/7, Shanti Nagar Colony, Opp:

CRPF Camp, Bhadrachalam, Bhadradri-Kothagudem District was disconnected at the request of the petitioner.

According to the learned counsel for petitioner, petitioner made such request for disconnection on the ground that her brother Bellamkonda Papa Rao has taken electricity connection by creating forged and fabricated documents and thereby got mutated his name in the Gram Panchayat records. In that connection, petitioner gave complaint before Bhadrachalam Town Police Station, which was registered as F.I.R.No.325 of 2021 under Sections 467, 468, 471 and other offences of IPC. The grievance of the petitioner is that she made application on 4.1.2022 through Mee Seva for release of new service connection, but the same is not being considered by the 4th respondent.

In view of the above, there shall be interim direction to the respondents to release new domestic service connection Category-I pursuant to the application submitted by the petitioner on 4.1.2022 by conducting necessary enquiry and if the petitioner is found to be in possession of property bearing H.No. 9-2-97/8A/7, Shanti Nagar Colony, Bhadrachalam.

Petitioner is directed to implead Bellamkonda Papa Rao as party Respondent No.5 to the writ petition by the next date of hearing".

6. The learned counsel for the petitioner mainly contends that the plea in the counter affidavit filed by the respondent No.3 that electricity service connection had been provided to H.No.9-2-97/8A/4, is contrary to the order of this Court dated 28.07.2022 passed in W.P. No. 30930 of 2022, is untenable and rejected since this Court opines that in view of the fact that the order of this Court dated 28.07.2022 passed in W.P. No. 30930 of 2022 very clearly observed that the respondents had to release service connection Category-I pursuant to the application submitted by the petitioner dated 04.01.2022 by conducting necessary enquiry and in view of the fact that due perusal of the application filed by the 5th respondent dated 04.01.2022 very clearly indicates that the subject property of the 5th respondent' house stands bearing No. 9-2-97/8A/4 in Sy.No.161/1 of Shanthi Nagar Colony, Opp: CRPF Camp, Bhadrachalam. The counter affidavit filed on behalf of the respondent No.3 further clearly indicates that the District Panchayat Officer, Bhadrachalam had conducted enquiry since

the 5th respondent stayed in the said subject premises 9-2-97/8A/4, in Sy.No. 165/1 of Shankathi Nagar Colony, Opp : CRPF Camp, Bhadrachalam, and upon due inspection and due verification by the concerned respondent officials, then only the said subject service connection was provided to the 5th respondent herein and hence this Court is of the firm opinion that the same cannot be said to be contrary to the order of this Court dated 28.07.2022 passed in W.P. No. 30930 of 2022 as urged by the petitioner.

7. The learned counsel appearing on behalf of the 5th respondent submits that there is an error which occurred by the counsel who drafted the earlier writ petition No. 30930 of 2022 which indicated the subject house Number as 9-2-97/8A/7 instead of 9-2-97/8A/4 as per the application of the 5th respondent dated 04.01.2022 submitted to the respondent No.3 for providing electricity service connection, it is very evident that subject premises is H.No. 9-2-97/8A/4 in Sy.No. 165/1 of Shanta Nagar Colony, Opp : CRP Camp, Bhadrachalam and not 9-2-97/8A/7 as falsely contended by the petitioner.

8. Taking into consideration

(a) The submissions made by the learned counsel appearing on behalf of the petitioner and the learned Standing Counsel appearing on behalf of the 3rd respondent and the learned counsel appearing on behalf of the 5th respondent,

(b) The averments made in the counter affidavit filed on behalf of the respondent No.3 in para Nos.6, 7 and 8 (referred to and extracted above).

This Court opines that there are no merits in the present writ petition and accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

The miscellaneous applications, if any, shall stand closed.

SD/-A.V.S.PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Energy Department The State of Telangana, Secretariat, Hyderabad
2. The Managing Director, The Northern Power Distribution Company Ltd., Vidyut Bhavan Nakkalagutta, Hanamkonda, Warangal District
3. The Assistant Divisional Engineer, Operation, NPDCL, Bhadrachalam, Bhadradri Kothagudem District
4. The Assistant Engineer, The Northern Power Distribution Company Ltd., (NPDCL) Bhadrachalam, Bhadradri Kothagudem District
5. One CC to SRI DEVARA SAMHITHA, Advocate [OPUC]

6. One CC to SRI ZAKIR ALI DANISH, SC FOR TSNPDCL [OPUC]
7. One CC to SRI CH. JAYAKRISHNA, Advocate [OPUC]
8. Two CCs to GP FOR ENERGY, High Court for the State of Telangana. [OUT]
9. Two CD Copies

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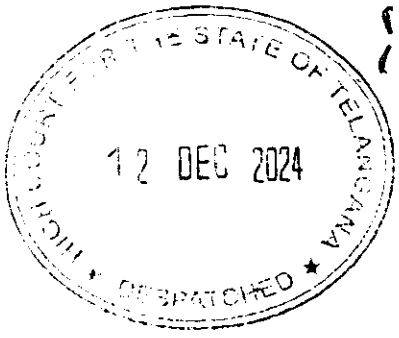
GJP

HIGH COURT

DATED:21/11/2024

ORDER

WP.No.24380 of 2023



DISMISSING THE WRIT PETITION WITHOUT COSTS

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