APHC010574702026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE 28th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 31416 OF 2026

Between:

1. YARRAGOLLA GOPALA SWAMY, S/o Yarragolla Krishnaiah, Ag.ed about 51 Years, R/o 7-2-109-1, Vidya Nagar, Badvel, Cuddapah, Andhra Pradesh.

2. Yarragolla Lakshumma,, W/o Yarragolla Gopala Swamy, Aged about 46 Years, R/o. 7-2-109-1, Vidya Nagar, Badvel, Cuddapah, Andhra Pradesh.

...Petitioners

AND

1. THE STATE OF ANDHRA PRADESH, Represented by its Principal Secretary, Energy Department, A.P Secretariat, Velagapudi, Amaravati, Guntur District,Andhra Pradesh -522238.

2. The Andhra Pradesh Southern Power Distribution Company Limited, (APSPDCL), Represented by its Chairman and Managing Director (CMD), D.No. 19-13, 65/A, Tiruchanoor Road, Behind Srinivasa Kalyana Mandapam, Kesavayana Gunta / Srinivasapuram, Tirupati, Andhra Pradesh - 517501

3. The Superintendent Engineer Operation Circle, The Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL), Kadapa, YSR Kadapa District, Andhra Pradesh -/ 516004

4. The Assistant Engineer APSPDCL, Badvel -1, Badvel Mandal, YSR Kadapa District. 516227

5. The Assistant Divisional Engineer APSPDCL, Badvel, YSR Kadapa District. 516227

6. The Tahsildar, Badvel Mandal, Badvel, YSR Kadapa District. 516227

...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, direction or order, more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents No. 4 and 5 in not providing power supply to the dwelling house of the petitioners situated in Survey No. 1754/2A and 1754/2B of Chennampalli Revenue Village of Badvel, Badvel Mandal and town as illegal, arbitrary, contrary to the provisions of the Electricity Act 2003 and consequently direct the Respondents herein particularly 2nd to 5th respondent to provide a new domestic electricity/ power service connection in the name of the petitioners at the petitioners premises/ dwelling house on the subject premises/ property/ land in Survey No. 1754/2A and 1754/2B in Chennampalli Revenue Village of Badvel Mandal without insisting for NOC

IA NO: 1 OF 2026

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 issue an interim order or direct the Respondents herein particularly 2 to 5 respondents to provide a new domestic electricity/ power service connection in the name of the petitioners at the petitioners premises/ dwelling house on the subject premises/ property/ land in Survey No: 1754/2A and 1754/2B in Chennampalli Revenue Village of Badvel Mandal, town without insisting for NOC

Counsel for the Petitioners: S DUSHYANTH REDDY

Counsel for the Respondents: GP FOR ENERGY Counsel for the Respondents:GP FOR REVENUE

The Court made the following order:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India seeking following relief:

> *"to issue an appropriate Writ, direction or order, more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents Nos.4 and 5 in not providing power supply to the dwelling house of the petitioners situated in Survey No. 1754/2A and 1754/2B of Chennampalli Revenue Village of Badvel, Badvel Mandal and town as illegal, arbitrary, contrary to the provisions of the Electricity Act 2003 and consequently direct the Respondents herein particularly 2nd to 5th respondent to provide a new domestic electricity/power service connection in the name of the petitioners at the petitioners premises/dwelling house on the subject premises/ property/land in Survey No. 1754/2A and 1754/2B in Chennampalli Revenue Village of Badvel Mandal without insisting for NOC and pass such other order or orders….."*

2. Heard learned counsel for the petitioners and learned Standing Counsel for the respondents.

3. Learned counsel for the petitioners submits that the petitioners herein purchased lands in Sy.Nos.1754/2A and 1754/2B situated at Badvel Town and they have been in peaceful possession and enjoyment of the subject lands. Thereafter, the petitioners herein after having necessary permission from the Badvel Municipality got constructed a residential house thereon. Later, the petitioners applied for new electricity service connection by paying

requisite fee. As such, the respondent No.6 initially granted NOC for obtaining the electricity service connection in favour of the petitioners. Subsequently, the respondent No.6 has cancelled the NOC *vide* proceedings dated 15.10.2026 on the ground of the objections raised by the third party. He further submits that there is a civil suit pending in respect of the subject property.

4. Learned counsel for the petitioners further submits that as per the General Terms and Conditions of Supply even an encroacher or rightful possessor is entitled for electricity service connection. It is not necessary to obtain NOC from the Revenue department as per the scheme of the Electricity Act, 2003 and Regulations made thereunder. He further submits that initially respondent Nos.4 and 5 sanctioned new electricity supply and fixed the electric meters but not giving the power supply to the petitioners' property on the ground that the respondent No. 6 did not issue NOC. Hence, the Writ Petition.

5. On the other hand, learned Standing Counsel for the respondents submits that in view of cancellation of NOC already granted by the Tahsildar on 15.10.2026 in lieu of pending civil disputes between the petitioner and the third parties, who are also claiming rights over the subject property. In view of the disputes regarding title and possession over the subject property and in the absence of the NOC from the concerned authority, the respondents would not empowered to consider the claim of the petitioners.

6. Heard both the learned counsel and perused the material placed on record.

7. As per the General Terms and Conditions of Electricity Supply, even an encroacher or rightful possessor is entitled for electricity service connection. It is further observed that the 2nd petitioner herein was granted ad-interim injunction in I.A.No.328 of 2025 in O.S.No.89 of 2025 in respect of the suit schedule property. Therefore, the possession of the petitioners over the subject property as of now cannot be disregarded by the respondent authorities. Mere pendency of a civil suit and non-granting of NOC cannot invalidate the right of the petitioners to have a basic amenities as like electricity service connection in view of the General Terms and Conditions of Electricity Supply. In view of the same, the petitioners herein stands better footing than an encroacher or possessor to have an electricity service connection in their favour. Hence, the respondents cannot deny the entitlement of the petitioners to have an electricity service connection.

8. Accordingly, the respondents herein are directed to consider the claim of the petitioners and pass appropriate orders, within a period of three (03) weeks from the date of receipt of a copy of this order, if necessary, after providing opportunity of hearing to the petitioners and other stake holders, if any. Further, the respondents are directed to grant electricity service connection to the subject property of the petitioners, if the petitioners are otherwise eligible in all respects.

9. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date: 28.10.2026
BSP/TPS

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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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Date: 28.10.2026
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