

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION NO. 2033 OF 2023

JUDGMENT:-

1) Heard Sri. C. Subodh, learned Counsel for the Petitioner, and Sri. Ravi Teja Talaseela, Advocate, representing Sri. V. R. Reddy Kovvuri, learned Standing Counsel for A.P.C.P.D.C.L. – 2nd Respondent.

2) This petition has been filed for the following relief under Article 226 of the Constitution of India:

“.....to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not releasing the electricity supply to the petitioner’s premises bearing Plot No.3 in Sy. No. 116 of Ongole village and Mandal, Prakasam District, pursuant to the application dated 29.04.2022 as illegal, arbitrary and violation of the provision of the Electricity Act, 2003 and consequently direct the respondents to release the electricity supply to the petitioner’s premises, bearing Plot No.3 in Sy. No. 116 of Ongole village and Mandal, Prakasam District, pursuant to the application dated 29.04.2022 and pass such other or orders”

3) The learned Counsel for the Petitioner submits that, the Petitioner's application for grant of electricity connection is not being considered though the Petitioner has fulfilled all the requirements.

4) On 03.02.2023, it was represented on behalf of the learned Standing Counsel that the Petitioner's application was under process, but there were some shortcomings which would be informed to the Petitioner for removal, and, thereafter, the Petitioners application would be considered.

5) Today, Sri. Ravi Teja Talaseela, Advocate, submits that, on consideration of the Petitioner's application now there are no shortcomings but the Respondents are not granting the connection, as there is some dispute pending between the Petitioner and the Municipal Corporation with respect to the premises in question for which the Petitioner filed one Writ Petition No.18281 of 2022 and later on challenging the Petitioner's eviction order, he filed another Writ Petition No. 38999 of 2022. He submits that, as the writ petitions are pending, the authorities are not

considering the Petitioner's application for electricity connection.

6) Sri. C. Subodh, learned Counsel for the Petitioner, submits that, in Writ Petition No.18281 of 2022, this Court granted interim order directing the respondents therein not to dispossess the Petitioner from the subject land without following due process of law. Thereafter, the Municipal Corporation issued eviction notice and passed the order of eviction against which the Petitioner filed Writ Petition No.38999 of 2022, in which further proceedings pursuant to the impugned eviction order have been stayed. He submits that, the Petitioner is still continuing in the premises in question and both the petitions are pending and the interim orders are continuing. Except those interim orders, there is no other order restraining the Respondent No. 1 Electricity Department, from granting a connection to the Petitioner.

7) It is not disputed by the learned Standing Counsel for the Respondents that, there is no direction in the pending

petitions restraining the respondents from granting electricity connection.

8) In view of the aforesaid, this court does not find any justification on the part of the Respondents in not considering the Petitioner's application for grant of electricity connection only on the plea of pendency of the above said writ petitions.

9) Accordingly, direction is issued to the Respondents to consider the Petitioner's application and decide the same in accordance with law, within a period of one [01] week from the date of service of the copy of this order, if there is no other legal impediment.

10) It is open to the respondents to grant electricity service connection, if the petitioner is so entitled on such consideration, making the grant subject to the further/final orders in writ petitions.

11) With the above direction, the Writ Petition is ***disposed off.***

12) No costs.

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

Date: 21.03.2023
C.C. by 24.03.2023.
B/o.
SM/SCH

RAVI NATH TILHARI, J

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