

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

FRIDAY, THE SEVENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 1304 OF 2022

Between:

M/s. Sri Laxmi Developers, Rep. by its Proprietor V. Krishna Veni W/o V. Siva Nagulu aged about 38 years, Occ. R/o Plot No.107, Nilayam, Shramik Nagar, A.S.Rao Nagar, Malkajgiri, Hyderabad.

...PETITIONER(S)

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, Represented by its Chairman and Managing Director, Office at Mint Compound, Hyderabad.
3. Southern power distribution company Ltd., of Telangana, Represented by its Superintending Engineer, operations, Medchal Circle, Office at Gunrock, Secunderabad.
4. Southern power distribution company Ltd., of Telangana, Represented by its Divisional Engineer (Operation) Nizampet Division office, Medchal Malkajgiri District
5. Southern power distribution company Ltd., of Telangana, Represented by its Addl. Assistant Engineer, Operations Pragathi Nagar, Office at Pragathi Nagar, Medchal Malkajgiri District.
6. The Nizampet Municipal Corporation, Rep by its Commissioner, 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 a Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents authorities more particularly Respondent Nos.4 and 5 authorities in refusing to release the power supply vide rejection letter Reference No. LTM226480017, dated 05.01.2022 to the petitioner's premises bearing Plot Nos.39 and 40, total admeasuring 400 sq yards in Sy.Nos.173, 175, 176 and 181, Situated at Mallampet Village, Dundigal-Gandimaisamma Mandal, Medchal-Malkajgiri District, on the ground of letter reference No.NMC/G/03/2020 dated 14/05/2020 issued by the Respondent No.6 (not to release the power supply for illegal construction) as illegal, arbitrary, without any jurisdiction, contrary to the provisions of electricity Act 2003 and violative of Article 14 of the Constitution of India and consequently direct the Respondents Nos.4 and 5 authorities herein to release the power supply to the petitioner property bearing Plot Nos.39 and 40, total admeasuring 400 sq yards in Sy.Nos.173, 175, 176 and 181, Situated at Mallampet Village,

Dundigal-Gandimaisamma Mandal, edchal-Malkajgiri District, without referring to letter reference No.NMC/G/03/2020 dated 14/05/2020 issued by the 6th Respondent.

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 Respondent authorities more specifically respondents 4 and 5 authorities herein to release the power supply to the petitioners property bearing Plot Nos.39 and 40, total admeasuring 400 sq yards in Sy.Nos.173, 175, 176 and 181, Situated at Mallampet Village, Dundigal- Gandimaisamma Mandal, edchal-Malkajgiri District without referring to letter reference No. NMC/G/03/2020 dated 14/05/2020 issued by the 6th Respondent pending disposal of the main writ petition.

Counsel for the Petitioner(s): SRI B. MANOJ KUMAR

Counsel for the Respondent No. 1: GP FOR ENERGY

Counsel for the Respondent Nos. 2 to 5: SRI R. VINOD REDDY, SC FOR TSSPDCL

**Counsel for the Respondent No.6: SRI N. PRAVEEN KUMAR,
SC FOR MUNICIPALITY**

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.1304 of 2022

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein, the following prayer is made.

"...to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the Respondents authorities more particularly Respondent Nos.4 and 5 authorities in refusing to release the power supply vide rejection letter Reference No.LTM226480017 dated 05.01.2022 to the petitioner's premises bearing Plot Nos.39 and 40, total admeasuring 400 sq.yards in Sy.Nos.173, 175, 176 and 181 situated at Mallampet Village, Dundigal-Gandimaisamma Mandal, Medchal-Malkajgiri District, on the ground of letter reference No.NMC/G/03/2020 dated 14/05/2020 issued by the Respondent No.6 (not to release the power supply for illegal construction) as illegal, arbitrary, without any jurisdiction, contrary to the provisions of electricity Act 2003 and violative of Article 14 of the Constitution of India and consequently direct the Respondents Nos.4 and 5 authorities herein to release the power supply to the petitioner property bearing Plot Nos.39 and 40, total admeasuring 400 sq.yards in Sy.Nos.173, 175, 176 and 181 situated at Mallampet Village, Dundigal-Gandimaisamma Mandal, Medchal-Malkajgiri District, situated at Mallampet Village, Dundigal-Gandimaisamma Mandal, Medchal-Malkajgiri District, without referring to letter reference No.NMC/G/03/2020 dated 14/05/2020 issued by the 6th Respondent and pass such other order or orders.."

2. Heard the learned counsel for the petitioner, learned Government Pleader for Energy, appearing for respondent No.1, Sri R. Vinod Reddy, learned Standing Counsel for TSSPDCL, appearing for respondent Nos.2 to 5, Sri N. Praveen Kumar, learned Standing Counsel for Municipality, appearing for respondent No.6 and perused the record.

3. When the matter is taken up for hearing, learned counsel for the petitioner submitted that the issue raised in the present Writ Petitions is squarely covered by the order dated 15.11.2021 passed by this Court in W.P.No.27330 of 2021.

4. Sri R. Vinod Reddy, learned Standing Counsel for TSSPDCL conceded the above submission.

5. The operative portion of the order dated 15.11.2021 passed by this Court in W.P.No.27330 of 2021, reads as follows:

"In view of the above made submissions, the petitioner is directed to submit an explanation before respondent Nos.4 & 5 seeking release of power supply, which shall be received by the authorities and necessary orders be passed thereon, strictly as per law, without reference to the proceedings in No.NMC/G/03/2020 dt.14.05.2020 of the respondent No.6, as expeditiously as possible, preferably, within a period of four weeks from the date of receipt of a copy of this order."

6. The relief claimed and the contentions raised in W.P.No.27330 of 2021, is identical to the relief claimed and contentions raised in the present Writ Petition.

7. Under these circumstances, in terms of the order dated 15.11.2021 passed by this Court in W.P.No.27330 of 2021, the present Writ Petition is disposed of and the petitioner is directed to submit explanation before the respondent Nos.4 and 5 seeking release of power supply, which shall be received by the authorities and necessary orders be passed thereon, strictly as per law, without reference to the proceedings in No.NMC/G/03/2020 dt.14.05.2020 of the respondent No.6, as expeditiously as possible, preferably, within a period of four(4) weeks from the date of receipt of a copy of this order.

Miscellaneous Petitions, if any, pending in these Writ Petitions shall stand closed. No order as to costs.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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 Office at Mint Compound, Hyderabad.

3. The Superintending Engineer, operations, Southern power distribution company Ltd., of Telangana, Medchal Circle, Office at Gunrock, Secunderabad.
4. The Divisional Engineer (Operation) Southern power distribution company Ltd., of Telangana, Nizampet Division office, Medchal Malkajgiri District
5. The Addl. Assistant Engineer, Operations Southern power distribution company Ltd., of Telangana, Pragathi Nagar, Office at Pragathi Nagar, Medchal Malkajgiri District.
6. The Commissioner, Nizampet Municipal Corporation, Medchal Malkajgiri District.
7. One CC to SRI B. MANOJ KUMAR Advocate [OPUC]
8. Two CCs to GP FOR ENERGY, High Court for the State of Telangana at Hyderabad. [OUT]
9. One CC to SRI R. VINOD REDDY, SC FOR TSSPDCL, Advocate [OPUC]
10. One CC to SRI N. PRAVEEN KUMAR, SC FOR MUNICIPALITY, Advocate [OPUC]
11. Two CD Copies.
12. One spare copy.

NPJ

NPJ

HIGH COURT

DATED:07/01/2022



ORDER

WP.No.1304 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.**

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withdwn
21/01/2022