

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

**TUESDAY, THE TWELFTH DAY OF APRIL  
TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY**

**WRIT PETITION NO: 18305 OF 2022**

**Between:**

1. Mr.Vasu Varagani, S/o Sri Narsimha Rao Varagani, Aged about 37 years, Occ. Business, H.No. 5-3-126/1, Flat No. 302, R R Classic, Shanthi Nagar Colony, Near Yashoda Gardens, Kukatpally, Hyderabad - 500072.
2. Smt. Harithavahini Varagani, W/o Vasu Varagani, Aged about 35 years, Occ. Business, R/o. H.No. 5-3-126/1, Flat No. 302, R R Classic, Shanthi Nagar Colony, Near Yashoda Gardens, Kukatpally, Hyderabad-500072

**...PETITIONERS**

**AND**

1. The State of Telangana, Rep. by its Principal Secretary, Power and Energy Department, Secretariat, Hyderabad - 50022.
2. The Southern Power Distribution Company of Telangana Ltd (TSSPDCL), Rep. by its Managing Director, Mint Compound, Hyderabad, Telangana
3. Southern power distribution company Ltd., of Telangana, Represented by its Superintending Engineer, operations, Medchal Circle, Office at Gunrock, Secundrabad
4. The Southern Power Distribution Company of Telangana Ltd (TSSPDCL), Rep. by its Divisional Engineer (Operation), Kukatpally Division, Medchal, Telangana
5. Southern power distribution complain/Ltd., of Telangana, Represented by its Addl. Assistant Engineer, Operations Pragathi Nagar, Office at Pragathi Nagar, Madchal Malkajgiri District
6. The Nizampet Municipal Corporation, Rep. by its commissioner, Nizampet, Medchal - Malkajgiri

**...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 action of the Respondents authorities more particularly Respondent no's 4 & 5 authorities in refusing to release the power supply vide rejection letter Reference No. LTM226480109, dated 07/02/2022 to the petitioner's premises bearing Plot No. 7 , admeasuring

262.77 Sq Yards or equivalent to 219.79 Sq. Meters in survey no. 160 (Part) & 159 (Part), as per comprehensive revised final layout approved by HMDA, vide Ir. no. 4557/LO/PLG/HMDA/2008, dated 01-08-2011 of Vasavi Co-Operative Housing Society Ltd, situated at Vasavi Enclave, Pragathi Nagar of Bachupally Village and Mandal, under Nizampet Municipal Corporation, Medchal - Malkajgiri district, on the ground of letter reference No. NMC/G/03/2020 dated 14/03/2020 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 violate of Article 14 of the Constitution of India and consequently direct the Respondents Nos.4 & 5 authorities herein to release the power supply to the petitioner property bearing Plot No. 7 , admeasuring 262.77 Sq Yards or equivalent to 219.79 Sq. Meters in survey no. 160 (Part) & 159 (Part), as per comprehensive revised final layout approved by HMDA, vide Ir. no. 4557/LO/PLG/HMDA/2008, dated 01/08/2011 of Vasavi Co-Operative Housing Society Ltd, situated at Vasavi Enclave, Pragathi Nagar of Bachupally Village and Mandal, under Nizampet Municipal Corporation, Medchal-Malkajgiri district, without letter reference to letter 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 No.7, admeasuring 262.77 Sq Yards or equivalent to 219.79 Sq. Meters in survey no. 160 (Part) & 159 (Part), as per comprehensive revised final layout approved by HMDA, vide ir. no. 4557/LO/PLG/HMDA/ 2008, dated 01-08-2011 of Vasavi Co-Operative Housing Society Ltd, situated at Vasavi Enclave, Pragathi Nagar of Bachupally Village and Manda, under Nizampet Municipal Corporation, Medchal - Malkajgiri district, Telangana, without referring to letter reference No. NMC/G/03/2020 dated 14/05/2020 dated issued by the 6th Respondent pending disposal of the main writ petition

**Counsel for the Petitioners : SRI. KANDURI KOUSHIK**

**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 MC**

**The Court made the following : ORDER**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.18305 of 2022

ORDER:

Heard learned counsel for the petitioners, learned Government Pleader for Energy appearing for respondent No.1, Sri R.Vinod Reddy, learned Standing Counsel appearing for respondent Nos.2 to 5, and Sri N. Praveen Kumar, learned Standing Counsel appearing for respondent No.6. With their consent, the present Writ Petition is being disposed of at the stage of admission itself.

2) In this writ petition, the petitioners are aggrieved by the action of the respondents, more particularly respondent Nos.4 and 5, in refusing to release the power supply to the petitioners' premises situated at Vasavi Co-operative Housing Society Limited, Vasavi Enclave, Pragathi Nagar, Bachupally Village and Mandal, Medchal-Malkajgiri District.

3) Learned counsel for the petitioners submits that the respondent authorities have refused to release the power supply to the subject premises belonging to the petitioners *vide* refusal letter No.LTM226480109, dated 07.02.2022.

4) Learned Standing Counsel appearing for respondent Nos.2 to 5, on instructions, has stated that basing on the letter addressed by respondent No.6 *vide* No.NMC/G/03/2020 dated 14.05.2020, power supply to the premises of the petitioners was refused to be released. He further submits that if the petitioners make an application, again, the authorities will receive the same and pass necessary orders thereon, as per law.

5) This Court has time and again reiterated that the authorities concerned have to consider the application for power connection on its own merits and should not be influenced by any letter/communication made by some other Department. The authorities cannot simply refuse/reject the application for power connection based on the letters addressed by other department Heads.

6) In view of the above made submissions and the law laid down by this Court, the impugned rejection letter is set aside and the petitioners are directed to submit a fresh application before respondents Nos.4 and 5 seeking release of power supply to the subject premises, which shall be received by the authorities and necessary orders be passed thereon, strictly as per law, without reference to the letter No.NMC/G/03/2020 dated 14.05.2020 of 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.

7) The writ petition is, accordingly, allowed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

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**SD/-B.SATYAVATHI**  
**ASSISTANT REGISTRAR**

  
**SECTION OFFICER**

To,

1. The Principal Secretary, Power and Energy Department, Secretariat, State of Telangana, Hyderabad - 50022.
2. One CC to SRI. KANDURI KOUSHIK, Advocate [OPUC]

3. Two CCs to GP FOR ENERGY, High Court for The State of Telangana at Hyderabad. [OUT]
4. One CC to SRI. R.VINOD REDDY, SC for TSSPDCL [OPUC]
5. One CC to SRI. N.PRAVEEN KUMAR, SC for MC [OPUC]
6. Two CD Copies.
7. One Spare Copy.

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**HIGH COURT**

**DATED:12/04/2022**

**ORDER**

**WP.No.18305 of 2022**



**ALLOWING THE WRIT PETITION  
WITHOUT COSTS**

*9/8/22*  
*ou/6/22*