

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND EIGHT

PRESENT
THE HON'BLE MR JUSTICE D.S.R.VARMA
and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL No.1831 of 2008

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
06/12/2007 in WP NO : 25862 OF 2007 on the file of the High Court.)

Between:

Smt.G.Rajya Lakshmi, W/o.Subba Rao, Hindu
Dr.No.5-87-47/4,Chandramoulainagar,6th Line, Guntur Dist

..... APPELLANT

AND

- 1 The Assistant Divisional Engineer, Opeartion Town2,
A.P S.P.D.C.Ltd., Guntur Dist
- 2 Divisional Engineer Electrical, Operation,
A.P,S.P.D.C.Ltd,Red Cross Buildings,
Near Medical College,Guntur
- 3 Sri Rayapati Srinivasa Rao, Rep.by his G.P.A Smt.R.Sujani,
R/o.D.No.4-4-63,1st Line,Chndramoulainagar,Guntur Dist

.....RESPONDENT(S)

Counsel for the Appellant : SMT.K.SESHARAJYAM

Counsel for the Respondent Nos.1 and 2 : MR.O.MANOHER REDDY

The Court made the following :

**THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH
WRIT APPEAL No.1831 of 2008**

ORAL JUDGMENT: (per the Hon'ble Sri Justice D.S.R.Varma)

Heard Smt. K.Sesharajyam, learned counsel appearing for the appellant as well as the learned Standing Counsel for Andhra Pradesh Southern Power Distribution Company Limited (APSPDCL) appearing for respondent Nos.1 and 2.

2. This writ appeal is directed against the order, dated 06-12-2007, passed by a learned single Judge of this Court in W.P.No.25862 of 2007.

3. Appellant is petitioner and respondents are respondents in the writ petition.

4. For the sake of convenience, in this judgment, the parties will be referred to as per their array in the writ petition.

5. It appears that service connection No.53589 has been obtained by the father of the petitioner in respect of the property in question i.e., Rayapati Veeraiah Ginning Mill, situated at Amaravathi Road, Guntur, and the same had been transferred in the name of the petitioner, by virtue of the alleged registered Will, dated 05-03-1999, said to have been executed by her late father. Subsequently, it appears that there is a dispute between the petitioner and the third respondent regarding the rights over the disputed property, which is subject matter of the pending suit O.S.No.160 of 2004 and some other litigation.

6. Therefore, the dispute is between the petitioner and the third respondent as regards the rights over the disputed property and the service connection, incidentally, relates to the said property. Further more, as already pointed out, initially the service connection was issued in the name of the late father of the petitioner and the same had been transferred in petitioner's name and, therefore, while cancelling the said service connection through the proceedings, dated 02-12-2006, which is impugned in the writ petition, it is just and proper for the authorities to hear the petitioner also, notwithstanding the pending litigation before the Civil Court as regards the property rights between the petitioner and the third respondent.

7. Therefore, we feel it appropriate to dispose of the writ appeal directing respondent No.2 to give a reasonable opportunity to both the petitioner as well as the third respondent before passing any final order. Pending consideration of the issue by respondent No.2, the order, dated 02-12-2006, issued by respondent No.2 shall not be given effect to.

8. With the above observations and directions, the writ appeal is disposed of, at the stage of admission. There shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE G.CHANDRAIAH

31-12-2008.
Msr.

THE HON'BLE SRI JUSTICE D.S.R. VARMA
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT APPEAL No.1831 of 2008

31-12-2008
(Msr)