

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

**FRIDAY, THE TWENTY NINTH DAY OF MAY
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 7276 OF 2020

Between:

M/s.Madineni Projects, Rep. by its Managing Partner Sri M. Sitaramaiah, S/o Late Sri M. Venkatraaiah, Aged about 49 years, Occ. Business, R/o Plot No.106/A, Road No.6, Western Hills, Addagutta Society, Kukatpally, Hyderabad.

...PETITIONER

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 Rep. by its Chairman and Managing Director, Mint Compound, Hyderabad.
3. Southern Power Distribution Company Ltd, of Telangana Rep., by its Divisional Engineer (Operation) Kukatpally Division, Medchal.
4. Greater Hyderabad Municipal Corporation, Rep. by its Commissioner, Tank Bund, Hyderabad.

...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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not releasing the power supply to the petitioner buildings at premises bearing Open place admeasuring 174 sq yards in Sy.No.357, 66 sq yards in Sy.No.366 total admeasuring to 240 sq yards, Open place admeasuring 174 sq yards in Sy.No.357, 66 sq yards in Sy.No.366 total admeasuring to 240 sq yards, Open place admeasuring 335 sq yards in Sy.No.362, Open place admeasuring 282 sq yards in Sy.No.368, situated at Nizampet Wage and Gramapanchayath, Bachupally Mandal, Medchal-Malkajigiri District, situated at Nizampet Village and Gramapanchayath, Bachupally Mandal, Medchal-Malkajigiri District as illegal, null, void, arbitrary and consequently direct the respondents to release the power supply without insisting for occupancy certificate.

IA NO: 1 OF 2020

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 2nd and 3rd Respondents to release the power supply to the petitioner buildings at premises bearing Open place admeasuring 174 sq yards in Sy.No.357, 66 sq yards in Sy.No.366 total admeasuring to 240 sq yards, Open place admeasuring 174 sq yards in Sy.No.357, 66 sq yards in Sy.No.366 total admeasuring to 240 sq yards, Open place admeasuring 335 sq yards in Sy.No.362, Open place admeasuring 282 sq yards in Sy.No.368, situated at Nizampet Village and Gramapanchayath, Bachupally Mandal, Medchal-Malkajigiri District, situated at Nizampet Village and Gramapanchayath, Bachupally Mandal, Medchal-Malkajigiri District.

Contd.,

Counsel for the Petitioner: SRI. B. MANOJ KUMAR

Counsel for the Respondent No. 1: GP FOR ENERGY

Counsel for the Respondent Nos. 2 & 3: SRI. R. VINOD REDDY, SC FOR TSSPDCL

Counsel for the Respondent No. 4: SRI. CHATLA MADHU, SC FOR GHMC

The Court made the following:

ORDER:

This Writ Petition is filed for the following relief:

"...to issue an appropriate writ, order direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not releasing the power supply to the petitioner building at premises bearing open place admeasuring 174 square yards in Survey Nos.357, 66 square yards in Sy.No.366 total admeasuring to 240 square yards open place admeasuring 335 square yards in survey No.362, open place admeasuring 282 square yards in Sy.No.368 situated at Nizampet Village and Gram Panchayat, Bachupally Mandal, Medchal-Malkajgiri District, as illegal, null, void, arbitrary and consequently direct the respondents to release the power supply without insisting for occupancy certificate..."

2. When the matter is taken up, it is submitted by the learned counsel for the petitioner that the issue raised in the present Writ Petition is squarely covered by the order dated 26.07.2018 passed by this Court in W.P.No.26085 of 2018.

3. Sri R.Vinod Reddy, learned Standing Counsel for Telangana State Southern Power Distribution Company Limited, appearing for respondent Nos.1 to 3 and Sri Chatla Madhu, learned Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for respondent No.4, do not dispute the aforesaid submission.

4. In view of the above, for the reasons alike in the said order, this Writ Petition is disposed of directing the respondents to release power supply to the premises of the petitioner subject to the compliance of the terms and conditions and on furnishing an undertaking to produce the occupancy certificate from the concerned Municipal Corporation within a prescribed period, and if no such occupancy certificate is produced

Contd..

within such period, it is open to the respondents to take appropriate action in accordance with law.

Miscellaneous applications, if any, pending shall stand closed of. There shall be no order as to costs.

Sd/- THE HON'BLE SRI JUSTICE K.LAKSHMAN

//TRUE COPY//

P. Venkatesh
REGISTRAR (JUDICIAL II)


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02/16

[Signature]
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, Mint Compound, Hyderabad.
 3. The Divisional Engineer (Operation), Southern Power Distribution Company Ltd, of Telangana, Kukatpally Division, Medchal.
 4. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
 5. One CC to Sri. B. Manoj Kumar, Advocate (OPUC)
 6. One CC to Sri. R. Vinod Reddy, SC for TSSPDCL (OPUC)
 7. One CC to Sri. Chatla Madhu, SC for GHMC (OPUC)
 8. Two CCs to GP for Energy, High Court for the State of Telangana at Hyderabad (OUT)
 9. Two CD Copies.
- (along with a copy of the order dated 26.07.2018 in WP.No. 26085 of 2018.)

PM

 HIGH COURT

KL,J

DATED:29/05/2020



ORDER

WP.No.7276 of 2020

Disposing of the WP
Without costs.