

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

MONDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION NO: 21585 OF 2020

Between:

Anne Hyma Venkata Rathna Kumari, W/o Sri Anne Anil Kumar, aged about 39 years, Occ. House Wife, R/o Flat No.206, Swarna Siri Sampadha Apartments, Road No.4, Opp Maharashtra Bank, KPHB Colony, 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 Divisional Engineer (Operation) Kondapur Division, Cybercity.
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 Petitioners buildings at premises bearing Plot No.31/MIG, admeasuring 325 sq yards in Sy.Nos.1058 and 1059, Situated at Dharmareddy Colony, Kukatpally village and Mandal, Medchal-Malkajgiri 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 Petitioners building at premises bearing Plot No.31/MIG, admeasuring 325 sq yards in Sy.Nos.1058 and 1059, Situated at Dharmareddy Colony, Kukatpally village and Mandal, Medchal-Malkajgiri District.

Counsel for the Petitioner: SRI. HARI KISHAN KUDIKALA

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. SAMPATH PRABHAKAR REDDY, SC FOR GHMC

The Court made the following:

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.21585 of 2020

ORDER:

Heard the learned counsel for the petitioner, Sri R.Vinod Reddy, learned Standing Counsel appearing for respondent Nos.1 to 3, and Sri Sampath Prabhakar Reddy, learned Standing counsel appearing for respondent No.4. With their consent, the Writ Petition is disposed of at the stage of admission itself.

When the matter is taken up for hearing, the learned counsel for the petitioner has submitted that the issue raised in the present writ petition is squarely covered by the orders passed this Court in W.P.No.26085 of 2018, dated 26.07.2018, and W.P.No.6030 of 2020, dated 20.04.2020.

The above said submission is not disputed by the learned Standing Counsels appearing for the respondents herein.

In view of the same and for the reasons alike in the order dated 26.07.2018, passed in W.P.No.26085 of 2018, the present Writ Petition is disposed of directing the respondents to release the power supply to the premises of the petitioner, subject to 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 within such period, it is open to the respondents to take appropriate action, in accordance with law.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

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, Kondapur Division, Cybercity.
4. The Commissioner, Greater Hyderabad Municipal Corporation, Tank Bund, Hyderabad.
5. One CC to Sri. Hari Kishan Kudikala, Advocate [OPUC]
6. One CC to Sri. R. Vinod Reddy, SC for TSSPDCL (OPUC)
7. One CC to Sri. Sampath Prabhakar Reddy, SC for GHMC (OPUC)
8. Two CCs to the GP for Energy, High Court for the State of Telangana. (OUT)
9. Two CD Copies.

(along with a copy of order dated 26.07.2018 in WP.No. 26085 of 2018 and

PM

HIGH COURT

DATED:30/11/2020

ORDER

WP.No.21585 of 2020



Disposing of the WP
Without costs.

7/12/2020
Raj (H) + En

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.26085 of 2018

ORDER:

Heard counsel for the petitioner, Sri R. Vinod Reddy, Standing Counsel for Telangana State Southern Power Distribution Corporation Limited, appearing for respondents 1 to 3, and Sri L.Venkateshwar Rao, Standing Counsel for Greater Hyderabad Municipal Corporation, appearing for 4th respondent.

2. It is stated by learned counsel appearing for the petitioner as well as Sri R.Vinod Reddy, Standing counsel appearing for respondent Nos.1 to 3 that the issue in this Writ Petition is covered by the order of this Court dt.23.03.2018 in W.P.No.9789 of 2018.

3. Therefore for reasons alike, this Writ Petition is also disposed of with a direction to the respondents to release the 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 within such period, it is open to the respondents to take appropriate action in accordance with law. There shall be no order as to costs

4. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

26th July, 2018.

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