

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.30926 OF 2021

ORDER:-

When the matter is taken up, it is brought to the notice of this Court, on instructions by the learned Government Pleader for Revenue, that the subject land is Challavadu Cheruvu as per revenue records and is covered by Sy.No.396/part of Ampolu Revenue Village, Gara Mandal, Srikakulam District.

It is further stated that under the guise of temporary shop, the petitioner is selling liquor unauthorizedly and causing much inconvenience to the inhabitants/general public and the said temporary shed/shop is situated in an extent of Ac.0.08 cents in Sy.No.396 of Ampolu Village and Gramapanchayat, Gara Mandal, Srikakulam District. It is also further stated in the written instructions that further enquiry is pending.

It is brought to the notice of this Court by the learned counsel for the petitioner that in similar circumstances, this Court disposed of the Writ Petition No.20013 of 2021 by way of an order dated 14.09.2021. A copy of the said order is filed along with the Writ Petition as a material paper. The operative portion of the said order reads as follows:

“Here in this case, the respondents adopted arm twisting method of disconnecting the electricity connection, disabling the petitioners to carry on business for their livelihood. Therefore, such action of the Tahsildar addressing a letter to the Assistant Executive Engineer of APEPDCL, Pedagantyada and in turn issuance of the letter by the Assistant Executive Engineer, APEPDCL, Pedagantyada cancelling the service connections of the petitioners’ premises and asking the

petitioners to give an explanation for not removing the electrical power supply within three (3) days is without any authority of law and contrary to the provisions of Electricity Act. Therefore, the action of the respondents is declared as illegal, arbitrary and thereby the letter No.AEE/O/PGDR/F.Dock/D.No.551/21, dated 06.09.2021 is set aside. Hence, the 2nd respondent-Tahsildar is directed not to dispossess the petitioners from the subject property, except by following due process of law and the 3rd respondent-Assistant Executive Engineer is directed not to disconnect the Electricity service connection of the petitioners shop except as per the provisions of the Electricity Act and rules frames thereunder.”

Following the said order and for the reasons recorded therein, this Writ Petition is disposed of in terms thereof, directing the respondent Nos.2 and 3 not to dispossess the petitioner from the subject shop and not to disconnect the power supply, pursuant to the letter dated 10.12.2021. However, this order will not preclude the respondents from taking appropriate action/passing appropriate order in accordance with law. It is also further made clear that if any enquiry is initiated, the same shall be completed by the respondents as per law. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

Office to enclose a copy of the order dated 14.09.2021 in W.P.No.20013 of 2021 to this order.

JUSTICE A.V.SESHA SAI

Date: 31.12.2021
VSL

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