

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

WEDNESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 43174 OF 2022

Between:

ATC Telecom Infrastructure Private Limited, IV Floor, Gowra Plaza, Door No.
1-8-304-307/381/444, SP Road, Begumpet, Secunderabad, Telangana-
500003 Rep. by its Circle Head.

...PETITIONER

AND

1. Telangana State Southern Power Distribution Company Limited, Represented by its Superintending Engineer (Operations), Kothur, Ranga Reddy, Telangana.
2. The Assistant Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Kothur (Village and Mandal), Rangareddy District, Hyderabad.
3. The Assistant Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Kothur Section, Kothur Village and Mandal, Ranga Reddy District, Telangana.
4. The Kothur Municipality, Rep. by its Commissioner, Kothur, Ranga Reddy District, Telangana.

...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 appropriate Writ or any other order or direction particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in straightaway disconnecting the power supply to Small Cell Infrastructure erected on H. No. 3-37, Kothur Village and Mandal, Rangareddy District, Telangana, without issuing any prior notice whatsoever at the request of the 4th respondent, as arbitrary, illegal, in violation of well settled principles of natural justice and contrary to the provisions of the Electricity Act, 2003.

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 3rd respondent to forthwith restore power supply to Small Cell Infrastructure erected on H. No. 3-37, Kothur Village and Mandal, Rangareddy District, Telangana, pending disposal of the main writ petition.

Counsel for the Petitioner: SRI MOHD ISLAMUDDIN ANSARI

Counsel for Respondent Nos.1 to 3: SRI R.VINOD REDDY, SC for TSSPDCL

Counsel for Respondent No.4: SRI B.JAGANMADHAVA RAO

The Court at the stage of admission made the following: ORDER

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No. 43174 of 2022

ORDER:

Heard Sri Mohd.Islamuddin Ansari, learned counsel for the petitioner, Sri R.Vinod Reddy, Learned Standing Counsel for the respondent Nos.1 to 3 and Sri B Jaganmadhava Rao, Learned Standing Counsel for the respondent No.4. With their consent, the Writ Petition is disposed of at the stage of admission itself.

2. The learned counsel for the petitioner has stated that, the official respondents, without issuing any notice to the petitioner, have disconnected the power supply to the subject Small Cell Infrastructure erected on H.No.3-37, Kothur Village and Mandal, Ranga Reddy District pursuant to the requisition made by 4th respondent-Municipality.

3. The learned Standing Counsel appearing on behalf of respondent Nos.1 to 3 has fairly stated that the official respondents have not issued any notice to the petitioner before the power supply was disconnected and only on the request made by the 4th respondent-Municipality the same has been removed.

4. A Division Bench of this Court in Writ Appeal No.269 of 2018, vide order dated 22.02.2018, has held as under:

" Disconnection of electricity supply by respondents 2 to 5, on the mere asking of the 6th respondent without even putting the petitioner on notice and without giving him an opportunity of being heard is, in our view, an arbitrary exercise of power."

5. In view of the above, the official respondents are directed to restore the power supply to the petitioner, within a period of one week from the date of receipt of a copy of this order. However, this order does not preclude the respondents from putting the petitioner on notice and

calling for an explanation and taking action strictly in accordance with law before passing any orders or taking any action.

6. Accordingly, the Writ Petition is disposed of. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- T.JAYASREE
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Superintending Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Kothur, Ranga Reddy, Telangana.
2. The Assistant Divisional Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Kothur (Village and Mandal), Rangareddy District, Hyderabad.
3. The Assistant Engineer (Operations), Telangana State Southern Power Distribution Company Limited, Kothur Section, Kothur Village and Mandal, Ranga Reddy District, Telangana.
4. The Commissioner, Kothur Municipality, Kothur, Ranga Reddy District, Telangana.
5. One CC to SRI MOHD. ISLAMUDDIN ANSARI, Advocate [OPUC]
6. One CC to SRI R.VINOD REDDY, SC for TSSPDCL [OPUC]
7. One CC to SRI B.JAGANMADHAVA RAO, Advocate [OPUC]
8. Two C.D. Copies.
9. One Spare Copy.

MRC
SB

HIGH COURT

DATED:30/ 1/2022

CC TODAY



ORDER

WP.No.43174 of 2022

DISPOSING OF THE WRIT PETITION
AT THE STAGE OF ADMISSION
WITHOUT COSTS

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MA
30/11/22