



**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE THIRTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
WRIT PETITION NO: 3477 OF 2023**

Between:

Shaik Subani, S/o. Late Mukthum, aged about 41 years, R/o. D.No.7-507/20,
Tipparla Bazar, Mangalagiri Town, Guntur District

Petitioner/s

AND

1. The Chairman and Managing Director, Central Power Distribution Company of Andhra Pradesh Ltd. (APCPDCL) Vijayawada.
2. The Assistant Executive Engineer, Operation Circle, APCPDCL, Tadikonda Mandal, Guntur District.
3. The Tahsildar, Tadikonda Mandal, Guntur District.
4. The Andhra Pradesh state Waqf Board, Rep. by its Chief executive officer (CEO) 4th Floor, Imdadghar, Building, Kaleswara Rao Market, Tarapet, Vijayawada, Andhra Pradesh - 520003

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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing memo Vide Lr.No.AEE/OS/TDK/F.Doc/D.NO.1920/22 dated 30-12-2022 and further disconnecting the electricity connection to the 4 shops of petitioner situated in an extent of 93.33 sq.yards bearing door no.361/1 at Tadikonda Village and Mandal, Guntur District, bearing connection no.8256,8257,8258,8259 on 31-01-2023 as illegal,arbitrary, unconstitutional and violation of principles of natural justice, article 14,21A of constitution of India and consequently direct the respondent no.2 to forthwith restore the electricity connection to 4 shops of petitioner sitauted at door no.361/1 at Tadikonda Village and Mandal, Guntur District, bearing connection no.8256,8257,8258,8259 .

IA NO: 1 OF 2023

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 respondent to forthwith restore the electricity connection to 4 shops belonging to petitioner situated in an extent of Ac.93.33 sq.yards bearing door no.361/1 at Tadikonda Village and Mandal, Guntur District bearing connection no.8256,8257,8258,8259, Pending disposal of WP 3477 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof upon hearing the arguments of Sri PILLIX LAW FIRM Advocate for the Petitioners and of Sri B. ABHAY, representing Sri V R REDDY KOVVURI, Standing Counsel for Respondent Nos. 1 and 2, GP FOR REVENUE for Respondent No.3, Sri ARIFULLAH, Standing Counsel for the Respondent No.4, the Court made the following

ORDER

"1. Sri P.Harsha Vardhan, learned counsel appearing for the petitioner submits that the 2nd respondent issued a show cause notice dated 30.12.2022-Exhibit-P3 directing the petitioner to submit objections against the proposed action of disconnection of electricity, to which the petitioner filed objections on 01.01.2023, but inspite of their objections, the disconnection was made on 31.01.2023.

2. Sri B.Abhay, learned counsel representing Sri.V.R.Reddy Kovvuri, learned Standing Counsel for respondent Nos.1 & 2, on the basis of instructions, submits that the petitioner filed the objections but on the specific query as to what decision has been taken; he submits that no orders were passed, though disconnection was made on 31.01.2023.

3. Sri Arifullah, learned Standing Counsel representing respondent No.4 submits that the petitioner is not the owner of the premises but the 4th respondent is the owner and he further submits that after filing the objections and before disconnection, the petitioner had transferred the property in favour of his wife vide sale deed dated 04.01.2023. He further prays for time to file counter affidavit.

4. Let the counter affidavit be filed by the respondents within a period of one (01) week.

5. In the counter affidavit, the 2nd respondent shall also specifically point out as to under what provision, after giving the show cause notice to which the objection was filed, without passing orders the disconnection could be made.

6. In the meantime, the 2nd respondent shall pass orders pursuant to the show cause notice given to the petitioner after considering the petitioner's objections and place the copy of such order along with the counter affidavit.

7. List on 20.02.2023."

Sd/- T. MADHAVI
ASSISTANT REGISTRAR

//TRUE COPY//

F SECTION OFFICER

To,

1. The Chairman And Managing Director, Central Power Distribution Company of Andhra Pradesh Ltd. (APCPDCL) Vijayawada.
2. The Assistant Executive Engineer, Operation Circle, APCPDCL, Tadikonda Mandal, Guntur District.
3. The Tahsildar, Tadikonda Mandal, Guntur District.
4. The Chief executive officer (CEO) , Andhra Pradesh state Waqf Board, 4th Floor, Imdadghar, Building, Kaleswara Rao Market, Tarapet, Vijayawada, Andhra Pradesh - 520003 (Addressess 1 to 4 by RPAD)
5. One CC to SRI. PILLIX LAW FIRM Advocate [OPUC]
6. One CC to SRI. V R REDDY KOVVURI ,Standing Counsel [OPUC]
7. One CC to SRI. ARIFULLAH, Standing Counsel [OPUC]
8. Two CCs to GP FOR REVENUE, High Court of A.P.[OUT]
9. One spare copy.

psk

HIGH COURT

RNTJ

DATED:13/02/2023

POST ON 20.02.2023

ORDER

WP.No.3477 of 2023

DIRECTION

