

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT



THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 24727 OF 2023

Between:

Sunkara Krishna Murthy, S/o Veerabrahmam, Hindu, a/a 62 years,
Advocate by profession, R/o D.No.21-10-48/1, 2nd line, Srinagar colony,
Vijayawada- 520 011

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by it's Principal Secretary,
Energy Department, Secretariat, Velagapudi, Amaravathi, Guntur
District.
2. The Andhra Pradesh South Power Distribution Company Ltd.,
Represented by It's Chairman & Managing Director, Gollapudi,
Vijayawada Rural mandal, NTR District.
3. The Superintending Engineer, APEPDCL, Governorpet, Vijayawada-
520 002.
4. The Assistant Engineer, APEPDCL, Mutyalampadu Fuse Call Office,
Eluru canal road, Satyanarayanpuram, Vijayawada-520 011.
5. Subramanyam Anantharaman, S/o K S Subramanyam, R/o
Gomanthakam (House name), Opposite Navaratna Hotel, Near NH-44,
Aluva, Yarnakulam District, Kerala State

...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 or more
particularly one in the nature of writ of Mandamus declaring the action of the

4th respondent to disconnecting the power supply to the house of the petitioner vide Service connection Na. 6423477222554 without issuing any prior notice, it is contrary to Electricity Act, and also without following due course of Law, as illegal, arbitrary, unconstitutional and violation of Article 14, 19, 21 of the Constitution of India and violation of Principles of natural justice consequently direct the 4th respondent to restore the power supply to the petitioner's house.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 4th respondent to change my name to the above service connection No. 6423477222554 by deleting the name of the 5th respondent as per the title transfer application dated 21.10.2022, pending disposal of the above writ petition.

IA NO: 2 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 4th respondent to restore the power supply to the petitioner's house, pending disposal of this writ petition.

Counsel for the Petitioner: M/s. PRASANNALA KANCHARLA

Counsel for the Respondents No.1: GP FOR ENERGY

**Counsel for the Respondent Nos.2 to 4: SRI V.R. REDDY KOVVURI, SC
FOR APEPDCL**

Counsel for the Respondent No.5: SRI DEVALARAJU ANIL KUMAR

The Court made the following: ORDER

APHC010474282023



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

MONDAY, THE FIFTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 24727/2023

Between:

Sunkara Krishna Murthy

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. PRASANNALA KANCHARLA

Counsel for the Respondent(S):

1. GP FOR ENERGY

2. DEVALARAJU ANIL KUMAR

3. V R REDDY KOVVURI (SC FOR APCPDCL)

The Court made the following Order:

This writ petition is filed under Article 226 of the Constitution of the
India seeking the following reliefs:-

"pleased to issue an appropriate writ order or direction or more particularly one in the nature of writ of Mandamus declaring the action of the 4th respondent to disconnecting the power supply to the house of the petitioner vide Service connection No.6423477222554 without issuing any prior notice it is contrary to Electricity Act, and also without following due course of Law, as illegal, arbitrary, unconstitutional and violation of Article 14, 19, 21 of the Constitution of India and violation of Principles of natural justice consequently direct the 4th respondent

to restore the power supply to the petitioner's house and pass such other order/s as this Hon'ble court may deem fit and proper in the circumstances of the case and to pass..."

2. Heard learned counsel appearing for both the parties and perused the material available on record.
3. Learned counsel for the petitioner submits that, the petitioner is the absolute owner and possessor of the premises bearing D.No.21-10-48/1, 2nd line, Srinagar Colony, Satyanarayanapuram, Vijayawada. While so, respondent No.5 is also claiming the title over the said property under the guise of a will. To sort out little dispute, the petitioner filed an injunction suit against the respondent No.5 vide O.S.No.940 of 2021, on the file of the II Additional Junior Civil Judge, Vijayawada. Wherein, the Court below was pleased to grant a temporary injunction in favor of the petitioner operates against respondent No.5. Therefore, the petitioner is entitled to continue his possession over the subject property. Accordingly, the petitioner submitted his application to the respondent-authorities for grant of electricity service connection. Accordingly, he was granted the connection vide bearing No.6423477222554 in his favor.
4. He further submitted that, the petitioner also sought to mutate his name in respect of service connection No.6423477222554, pursuant to the title deeds held in his favor and also pursuant to the order of the Court below dated 24.06.2021 vide O.S.No.940 of 2021. While things stood thus, in view of the civil dispute between the

petitioner and respondent No.5, the respondent-authorities, without issuing any notice and without considering the petitioner's notice dated 25.06.2022, issued the impugned proceedings dated 17.08.2022, rejecting the request of the petitioner for change of name by stating that, the door was under lock and key consecutively for three (03) times when they visited the house and the meter was not able to scan with IRDA port for reading meter. Hence, filed the present Writ Petition.

5. On the other hand, learned Standing Counsel for respondent Nos.2 to 4, submits that, by considering the application of the petitioner, the respondent-authorities tried to ascertain the electricity service connection status. But, as the door was under lock and key continuously for three (03) visits, the authorities are unable to read the meter, accordingly, the meter was stopped as per APERC norms.

6. Learned counsel for respondent No.5 also submits that, respondent No.5 is the beneficiary under the registered will in respect of subject property said to have been executed by the original property holder by name Smt. Dharmamba. Pursuant to his title deeds, he made application for transfer of electricity service connection and the same was mutated in favor of respondent No.5. Therefore, for any change of name in respect of electricity service connection, he should be provided with an opportunity of personal hearing by the respondents.

7. Having regard to the submissions made by both the learned counsel, this Court is of the considered view that, the present Writ Petition can be disposed of by directing the petitioner to submit an application afresh to respondent Nos.2 to 4 by annexing all the relevant documents along with the order of the Court below within a period of two (02) weeks from today. After such submission, respondent Nos.2 to 4 shall consider the application of the petitioner after providing an opportunity of personal hearing to him as well as respondent No.5 and pass appropriate orders. After passing such orders, they shall communicate the same to the petitioner as well as respondent No.5.

8. Further, the respondent-authorities are directed to restore the electricity service connection in the name of Smt. Dharmamba, who is the original service connection holder, in accordance with law within a period of two (02) weeks from the date of receipt of a copy of this order.

9. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel miscellaneous application, pending, if any, shall also stand closed.

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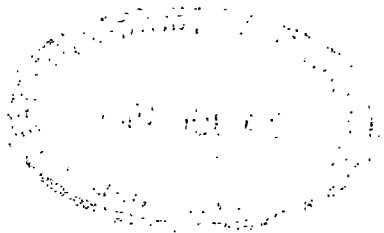
SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Energy Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.

2. The Chairman & Managing Director, Andhra Pradesh South Power Distribution Company, Gollapudi, Vijayawada Rural mandal, NTR District.
3. The Superintending Engineer, APEPDCL, Governorpet, Vijayawada-520 002.
4. The Assistant Engineer, APEPDCL, Mutyalampadu Fuse Call Office, Eluru canal road, Satyanarayanpuram, Vijayawada-520 011.
5. One CC to M/s. Prasanna Kancharla, Advocate [OPUC]
6. One CC to Sri Devalaraju Anil Kumar, Advocate [OPUC]
7. One CC to Sri V.R. Reddy Kovvuri, SC for APEPDCL [OPUC]
8. Two CCs to GP for Energy, High Court of Andhra Pradesh. [OUT]
9. Three CD Copies.

ssb



HIGH COURT

DATED:15/07/2024

ORDER

WP.No.24727 of 2023



DISPOSING OF THE W.P. WITHOUT COSTS