

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**SATURDAY, THE FIFTEENTH DAY OF JANUARY
TWO THOUSAND AND TWENTY TWO**

**PRESENT
THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY**



**IA NO.1 OF 2022
IN
WP (SR) NO.1289 OF 2022**

Hernedra Pratap Singh, S/o. Surendra Singh, Aged about 36 years, Occ: Chief Financial Officer, R/o. Manasas Guest House, Manasas Fort, Vizianagaram, Vizianagaram District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Endowments, Secretariat Buildings, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Commissioner, Department of Endowments, State of Andhra Pradesh, Gollapudi, Vijayawada, Kirshna District.
3. The Maharaja AlakNarayana Society of Arts and Sciences (MANSAS TRUST) Rep. By its Executive Officer, Fort Campus, Vizianagaram, Vizianagaram District.
4. The Divisional Electrical Engineer, APEPDCL, Vizianagaram, Vizianagaram District.

...Respondents

**Counsel for the Petitioner : SRI CHALLA AJAY KUMAR
Counsel for the Respondent No.4 : SRI METTA CHANDRA SEKHAR,
STANDING COUNSEL**

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 respondents particularly 3rd and 4th respondents not to interfere with the electricity connection in any manner to the premises situated at Mansas Guest House, inside fort, Vizianagaram District, which was under the control of 4th respondent by following due process of law, pending disposal of the above WP(SR) No.1289 of 2022, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following;

ORDER:

"Heard the Counsel for the Petitioner Sri Challa Ajay Kumar and the Standing Counsel for Andhra Pradesh Eastern Power Distribution Company Limited Sri Metta Chandra Sekhar.

The main apprehension of the Petitioner is that after encountering several situations regarding the water disconnection and eviction etc., the 3rd Respondent disconnecting the power supply to Mansas Guest House, Mansas Fort, Vizianagaram and a day before, two personnel from the Department of the 4th Respondent came and attempted to disconnect the service connection to the said Guest House, where the Petitioner is residing only with a view to disable him to stay in the premises, without following any procedure as mandatory under the provisions of Electricity

Act, more particularly, a prior notice before the disconnection and the said action of the 4th Respondent to disconnect the service connection connected to the Mansas Guest House, Mansas Fort is arbitrary illegal and against the principles of natural justice and sought interim direction not to disconnect the electricity connection connected to the Mansas Guest House, Mansas Fort, Vizianagaram without following due procedure of law.

Whereas Sri Metta Chandra Sekhar opposed the Petition and seeks time to file counter in the interlocutory application.

As seen from the material on record, no notice was served on the petitioner or on the Mansas Trust proposed to disconnect the electricity service connection to the Mansas Guest House, which is under the control of Mansas Trust or Petitioner who is in occupation of building proposing to disconnect the electricity service connection.

Notice under the provisions of the Act before disconnection is mandatory, but taking any action in disconnecting the electricity connection without prior notice is not only violation of mandatory procedure prescribed under the Act and Rules framed thereunder, but also in violation of the principles of natural justice.

Therefore, I find that there is a *prima facie* case in favour of the Petitioner and in the event of disconnection of power supply to Mansas Guest House, the Petitioner who is residing in the said Guest House will be put to serious inconvenience, which cannot be compensated by granting pecuniary damages and that the balance of convenience is in favour of the Petitioner since the Petitioner would suffer inconvenience in case the service connection is disconnected.

Hence, I find that it is a fit case to issue *interim* direction not to disconnect the electricity service connection connected to the Mansas Guest House, Mansas Fort, Vizianagaram District.

Accordingly, the *interim* direction is granted till 19.01.2022.

Post on 18.01.2022.

In the meanwhile, the Respondents are directed to file Counter both on the interlocutory application so also in the main writ petition.”

ASSISTANT REGISTRAR

//TRUE COPY//

MVSM
For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Department of Endowments, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Andhra Pradesh.
2. The Commissioner, Department of Endowments, State of Andhra Pradesh, Gollapudi, Vijayawada, Kirshna District.

3. The Executive Officer, Maharaja AlakNarayana Society of Arts and Sciences (MANSAS TRUST) Fort Campus, Vizianagaram, Vizianagaram District.
4. The Divisional Electrical Engineer, APEPDCL, Vizianagaram, Vizianagaram District.(1 to 4 by RPAD)
5. One CC to Sri Challa Ajay Kumar, Advocate [OPUC]
6. One CC to Sri Metta Chandra Sekhar, Standing Counsel [OPUC]
7. One Spare Copy.

MSB

HIGH COURT

MSM,J

DATED:15.01.2022

ORDER

POST ON 18.01.2022

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IN
WP(SR).No.1289 of 2022

INTERIM DIRECTION

