
(2002) 01 AP CK 0086

In the Andhra Pradesh High Court

Case No : W.A. No's. 1988, 2000, 2004, 2026, 2041, 2042 and 2044 of 2001

Aptransco

APPELLANT

Vs

Kanamati Reddy Koti Reddy and Others

RESPONDENT

Date of Decision : 03-01-2002

Acts Referred:

Citation : AIR 2002 AP 193 : (2002) 2 ALT 170

Hon'ble Judges : Ar. Lakshmanan, C.J; V.V.S. Rao, J

Bench : Division Bench

Advocate : K.N. Jwala, for the Appellant; K. Ranga Rao, for the Respondent

Judgement

Ar. Lakshmanan, C.J.

1. Heard both sides.

2. Appellant in all these Writ Appeals is the Transmission Corporation of Andhra Pradesh Limited (for short "APTRANSCO"). Challenging a common order dated 8.10.2001 passed by a learned single judge of this Court in W.P.Nos.20181, 20204, 20306 and 20524 of 2001, Writ Appeal Nos.2004, 2042, 2044 of 2001 are filed. The same learned judge passed another similar order dated 10.10.2001 in W.P.No.2100 of 2001 against which, W.A.No.2026 is filed. Following the said common order dated 8.10.2001 another learned single judge of this Court passed similar orders dt.21.11.2001, 7.11.2001 and 23.11.2001 separately in three Writ Petitions, being, W.P.Nos.23966, 22995 and 24115 respectively and against the said orders, W.A.Nos.1988, 2021 and 2000 of 2001 are filed.

3. All the above Writ Appeals raise common issues and the relief sought for in the appeals is also common. Therefore, we dispose of all the appeals by this common judgment.

4. For the purpose of appreciating the facts of the matter, we may take up the Writ Appeal W.A.1988 of 2001. The respondents-petitioners therein filed the Writ Petition, being W.P.No.23966 of 2001, seeking directions to the appellant-

APTRANSCO to regularise the electricity service connections to the motors installed on the bore wells in their lands which are situated at Erraguntapalli and Teegalavancha villages in the Chintalapudi and Kethavaram Mandals of West Godavari District as per the Scheme announced by the Appellant-APTRANSCO in June, 2000. The learned single judge by order dated 21st November, 2001 disposed of the Writ Petition at the admission stage as follows:-

"Heard both sides. The petitioners, who claim to be agriculturists, are having unauthorised electricity connections. The respondents in the month of June, 2000 proclaimed that the farmers who have been using electricity to their motors for agricultural purposes without the permission of the electricity authorities can get their services regularised by disclosing the same to the concerned authorities. Pursuant to the same, the petitioners submitted applications within the time prescribed by the respondent-authorities. Learned Standing Counsel for APTRANSCO stated that if any such applications are filed within the time prescribed by the Board the same will be considered by the Board and regularise the service connections if they complete all the formalities subject to the policy which was applicable for such regularisation.

5. The learned judge, while disposing of the said Writ Petition No.23966 of 2001 followed the common order dated 8.10.2001 passed by the learned single judge in W.P.No.20181 of 2001 and Batch, as already stated above, wherein a direction was issued to the Appellant-APTRANSCO to complete the process of regularisation of unauthorised service connections in respect of such of those applicants including the petitioners therein who have submitted the applications within the time stipulated namely between 19.6.2000 and 30.6.2000 within a period of three weeks from the date of receipt of a copy of the said order.

6. Following the said order and the reasons mentioned therein, the learned judge disposed of the Writ Petition W.P.23966 OF 2001 by order dated 21.11.2001 directing the respondent-APTRANSCO:

".... to complete the process of regularisation in respect of the applications filed by the petitioners, if they have submitted the applications within the stipulated time and completed all the formalities. The same should be done within six weeks from the date of receipt of a copy of this order."

7. Being aggrieved by the orders passed by the learned single judges of this Court, the APTRANSCO preferred all the above appeals.

8. The learned counsel for the appellant invited our attention to the chronological events mentioned in clauses (a) to (h) of paragraph 3 of the Memorandum of Grounds of Appeal. It is stated by the appellant therein that the concerned Officers of APTRANSCO visited the lands of applicants for the purpose of ascertaining whether bore wells and motors were existing on their lands or not and accordingly the authorities prepared a list containing genuine eligible agriculturists and another list containing the names of farmers who are not eligible for regularisation. On the physical inspection of applicants' lands, it was

noticed that the claimants who claimed for regularisation of unauthorised agricultural service connections are not actually having bore well, and that some of them are not having either bore well or electric motor. It has been specifically and in categorical terms stated by the appellant-APTRANSCO that all the respondents herein i.e., Writ Petitioners are not having bore wells and motors and therefore, they are not eligible for regularisation.

9. Our attention was also drawn to the guidelines issued by the Government, which are based on the Policy of the Government. The applicants, according to the guidelines, should fulfil 3 conditions for the purpose of regularisation of the unauthorised agricultural service connections. They are:

"i) The land must be either owned by the agriculturist or he must be a lawful tenant.

ii) There should be an existing bore well fitted with electric motor pump on the land as on 19.6.2000.

iii) He should be drawing power unauthorisedly as on 19.6.2000 without any authority and that the Department of Electricity is unaware of the said fact.

10. If any of the above conditions are not fulfilled, according to the respondent-APTRANSCO, they fall under the "Disqualification List" and those applicants who have satisfied all the above conditions are entitled for consideration of regularisation of unauthorised agricultural service connections. It is further submitted that the APTRANSCO is taking up the process of consideration of regularisation of those unauthorised agricultural service connections that were registered at the Praja Sadassu/Grama Sabha Meetings held from 19th June 2000 only. It is also submitted that the Officers of APTRANSCO during their physical inspection of the agricultural fields in respect of those applicants registered in the Gramasabha held in the month of June 2000 had verified as to whether the agriculturists were drawing power illegally for the motors installed on the existing bore wells and accordingly inspection reports were prepared by them. It is further submitted that in respect of other illegal service connections, action would be initiated in accordance with the provisions of Indian Electricity Act 1920 and Electricity Supply Act, 1948. It is also further submitted that the learned judges grossly erred by directing the respondents to complete the process of regularisation of service connections in respect of such of those applicants who have submitted the applications in Praja Sadassu/Gramasabha meetings held between 19.6.2000 and 30.6.2000 without examining the aspect whether the applicants are actually drawing power supply illegally for their motors installed on the existing bore well in their own agricultural lands or not.

11. We see merit and substance in this submission made by the learned counsel for the APTRANSCO. The Scheme of the Programme announced for regularising illegal agricultural service connections is in respect of only those agriculturists that were drawing power illegally for their existing bore wells installed with electric motor pumps as on the date of registering their applications at Praja

Sadassus/Gramasabha meetings held between 19.6.2000 and 30.6.2000.

12. It is also submitted that the appellant-APTRANSCO had no opportunity to file the counter-affidavits in the Writ Petitions along with the Field Verification Reports of unauthorised agricultural service connections of agriculturists who are drawing power illegally for their borewells detected as on the date of registration of their applications submitted for regularisation of service connections at Grama Sabha meetings/Praja Sadassus held between 19.6.2000 and 30.6.2000.

13. Since the Government have now issued the Guidelines, which are based on the Policy of the Government, the agriculturists who are using power illegally for drawing water from their bore wells in their own agricultural lands are entitled for consideration of their applications for regularisation of the unauthorised agricultural service connections. In this connection, we direct the appellant-APTRANSCO herein to scrutinise all the applications, which are filed within the stipulated time and also see whether the conditions for regularisation of the unauthorised agricultural service connections stipulated in the guidelines are fully satisfied by them or not. We make it clear that If the applicants satisfy all the three conditions stipulated in the guidelines which are based on the Policy of the Government, then only the appellant-APTRANSCO may consider their applications and then sanction the electricity supply/connection to the agriculturists. The Department of Electricity need not consider the applications filed by the other agriculturists who do not satisfy the conditions stipulated in the Guidelines. The appellant is granted three months" time to consider the applications. All the Writ Petitioners are permitted to place proof of the purchase of the Electric motor/pump-sets etc., and other relevant documents, if any, before the officers at the time of considering their applications.

14. Subject to the above directions, the Writ Appeals are disposed of. There will be no order as to costs.