
(2023) 03 TEL CK 0097
In the Telangana High Court
Case No : Writ Petition No. 5891 Of 2023

Bapanapally Satyavathi And 30 Others	APPELLANT
Vs	
Telangana State Northern Power Distribution Company Limited, And 4 Others	RESPONDENT

Date of Decision : 27-03-2023

Acts Referred:

Citation : (2023) 03 TEL CK 0097

Hon'ble Judges : P. Madhavi Devi, J

Bench : Single Bench

Final Decision : Disposed Of

Judgement

1. In this Writ Petition, the petitioner is seeking a Writ of Mandamus to declare the action of respondent No.3 in not providing electricity connections to the houses of the petitioners constructed in Plot Nos.1, 4, 6, 12, 17, 25, 26, 27, 31, 32, 34, 35, 41, 44, 50, 51, 55, 58, 64, 67, 73, 75, 78, 80, 81 and 87 in Survey No.137/1 situated at Chunchupalli Village, Ramanjaneya Colony Gram Panchayat, Chunchupalli Mandal, Bhadradri Kothagudem District and insisting for NOC from the revenue authorities, as illegal and arbitrary and consequently to direct respondent No.3 to provide electricity connection to the houses of the petitioners without insisting for NOC from the revenue authorities and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.

2. Brief facts leading to the filing of the present Writ Petition are that the petitioners claim to be belonging to Rajaka community and after considering their representation made through their registered society, the revenue officials have identified Government land in Survey No.137/1 situated at Chunchupalli Village, Kothagudem Mandal, now Chunchupalli Mandal, Khammam District, now Bhadradri Kothagudem District and made the said land into house plots and obtained the layout from the authorities concerned. The petitioners were allotted the house sites for making construction of houses thereon. It is submitted that

the petitioners thereafter constructed small huts in their respective extents and are residing therein along with their respective families. The petitioners have therefore made an application to the respondent TSNPDCL for supply of electricity. The petitioners submitted that on the ground that the revenue authorities, particularly the 4th respondent, issued a letter not to provide power supply to the houses in Survey No.137/1 situated at Chunchupalli Village, Ramanjaneya Colony Gram Panchayat, the respondents 1 to 3 are not giving electricity connection and therefore, the present Writ Petition has been filed.

3. The learned Government Pleader for Revenue has obtained written instructions, according to which, about 100 non-tribal beneficiaries were assigned house sites in Survey No.137/1 of Chunchupalli Revenue Village with a condition to build structures thereon within a period of 6/12 months from the date of issuance of the assignment house site pattas. It is submitted that the subject land is in the scheduled area and therefore, the allottees could not have been allotted the said land. It is submitted that when an action was sought to be taken, the petitioners have approached this Court in W.P.No.19142 of 2020 and vide orders dt.28.12.2021, this Court has directed the respondents therein not to evict the petitioners therein without following due process and without cancelling the pattas allotted to them. Thereafter, the petitioners have made an application for electricity connection, but they were denied the same. It is further stated that the Mandal Parishad Development Officer, Chunchupalli also was instructed not to allot house numbers to the petitioners and not to issue power supply connection to the illegal constructions in the said Government land. It is also alleged that in the guise of house pattas, the petitioners are trying to encroach the neighbouring Government land with an intention to grab the same. It is also stated that the Tahsildar, i.e., the 4th respondent herein, had sought directions from the Collector to take action for cancellation of the assignment pattas in favour of the petitioners and others and the orders are awaited.

4. Taking the above submissions into consideration, it is evident that the petitioners have been allotted the assignment pattas and the said assignment pattas are in force as on today. The proposal to cancel the assignment pattas has not yet been acted upon. Therefore, the petitioners are having right over the said property. Further, as held by the Hon'ble Supreme Court in the case of Dilip (dead) through LRs. Vs. Satish and others Criminal Appeal No.810 of 2022 dt.13.05.2022, electricity is a basic amenity of which a person cannot be deprived and that electricity cannot be declined to a tenant on the ground of failure/refusal of the landlord to issue no objection certificate. It was argued that the revenue officials have no authority whatsoever to issue a direction to the electricity department not to supply electricity to the petitioners herein. This Court finds that unless and until the assignment pattas are cancelled, the respondents cannot deny electricity supply to the petitioners herein on the ground that they are alleged encroachers.

5. The learned Standing Counsel for respondents 1 to 3 submitted that though

the petitioners have made an application for electricity supply, the entire area is not covered by the infrastructure necessary for supply of electricity and as per the general terms and conditions of supply, the petitioners will be required to pay for the infrastructure to be installed for providing electricity supply to each of the individuals.

6. The learned counsel for the petitioners, on oral instructions from his clients, submitted that the petitioner are all ready to make the payment of the entire infrastructure to be set up for providing electricity to the house sites of the petitioners and others in the colony on issuance of an estimate by respondents 1 to 3.

7. Therefore, respondents 1 to 3 are directed to provide electricity connection to each of the petitioners' houses after collecting the necessary charges for installing the infrastructure. The entire exercise shall be completed within a period of three (3) months from the date of receipt of a copy of this order. The supply of electricity would not, however, confer any right or title on the petitioners over the subject land. Respondent No.4 is however given liberty to take action for evicting the petitioners from the land or for cancellation of the assignment pattas, but by following the due process of law. The respondents are also at liberty to deny electricity supply, if the petitioners are found to be in possession of Government land other than the assigned land.

8. With the above directions, the Writ Petition is disposed of. No order as to costs.

9. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.