



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

[3209]

MONDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 29087/2022

Between:

1.K.RAVI, S/O. KILARI CHENNAIAH, AGE 55 YEARS, OCC POLICE HEAD CONSTABLE, P.S. NARAYANA VANAM, R/O. D.NO.1- 242/A, MSM NAGAR, KARIVETINAGAR ROAD, PUTTUR, CHITTOOR DISTRICT.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. ITS PRINCIPAL SECRETARY, ENERGY DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI. GUNTUR DISTRICT.

2.SOUTHERN POWER DISTRIBUTION COMPANY OF ANDHRA PRADESH LIMITED, REP. BY TS CHAIRMAN AND MANAGING DIRECTOR. TIRUPATI, TIRUPATI DISTRICT.

3.THE SUPERINTENDING ENGINEER, APSPDCL, TIRUPATI, TIRUPATI DISTRICT,

4.THE EXECUTIVE ENGINEER, APSPDCL, OPERATION TOWN, TIRUPATI, TIRUPATI DISTRICT.

5.THE DEPUTY EXECUTIVE ENGINEER, OPERATION SUB-DIVISION, TOWN -2, SRINIVASAM COMPLEX, APSPDCL, OPP. APSRTC BUS STAND, TIRUPATI, TIRUPATI DISTRICT.

6.THE ASSISTANT ENGINEER, APSPDCL, OPERATION MANGALAM. TIRUPATI, TIRUPATI DISTRICT.

7.CHAKRALA NARESH KUMAR, S/O C. CHANDRASEKHAR, HINDU, AGED ABOUT 34 YEARS, RESIDING AT D.NO.103, TIRUMALA NAGAR MANGALAM, TIRUPATI, CHITTOOR DIST. R7 IS SET EXPARTE AS PER ORDER OF THE COURT DATED 04.08.2025.

...RESPONDENT(S):

Counsel for the Petitioner:

1.G JAGADEESWAR

Counsel for the Respondent(S):

1.GP FOR ENERGY

2.V R REDDY KOVVURI(SC FOR APSPDCL)

3.Venkata Rama Rao Kota SC FOR APSPDCL

4.V R REDDY KOVVURI (SC FOR APCPDCL)

The Court made the following Order:

The present writ petition is filed seeking to declare the alleged action of the respondent Nos.1 to 6 in giving the power supply in the name of respondent No.7 to the house of the petitioner bearing Survey No.11/2B/2A Sathyanarayanapuram area, SLV Nagar also called as Srinagar Colony Tirupathi, instead of giving power connection to the house of the respondent No.7 in Survey No.11/2B/2A2 Upadyaya Nagar, Tirupati, as illegal, arbitrary etc and to restore the power supply to the house of the petitioner *vide* service connection No.5534204152669 to the petitioner's house bearing No. 11/2B/2A by disconnecting the service connection which was given in favour of the respondent No.7.

2. Heard learned counsel for the petitioner. Also heard Mr. Venkata Rama Rao Kota, learned counsel representing the respondent No.2-DISCOM and its officers. Despite service of notice on the respondent No.7, no steps to enter appearance through an Advocate were taken and as such, he was set *ex-parte* vide order dated 04.08.2025.

3. The learned counsel for the petitioner made submissions with reference to the averments made in the affidavit filed in support of the writ petition and the material filed along with the same.

4. He submits that the writ petitioner purchased a house plot admeasuring an extent of 233 square yards i.e., Plot No.15 in Survey No.11/2B/2A through a registered sale deed dated 13.12.2000 and obtained electricity connection bearing No.5534204152669 from the respondent-Distribution Company. While one Mr. K.Venkatasesharaju, owner of Plot No.13 was making constructions, the respondent No.7 interfered with the construction and in this regard, a complaint was lodged with Alipiri Police Station.

5. He further submits that subsequently, the respondent No.7 on 26.08.2020 forcibly entered into the premises of the writ petitioner and

dismantled and demolished tin shed, cut the electricity wires and thereby caused irreparable loss to the petitioner.

6. The learned counsel submits that the petitioner lodged FIR No.473 of 2020 on the file of Alipiri Police Station against the respondent No.7 and others. He submits that in the meanwhile, the respondent No.7 filed O.S No.352 of 2015 on the file of the Court of the I Additional Junior Civil Judge, Tirupati, against the petitioner and another seeking permanent injunction in respect of the plot situated in Survey No.11/2B/2A2. He submits that the said suit was decreed on 06.04.2018 and the petitioner herein preferred A.S No.105 of 2018 on the file of the Court of the IV Additional District Judge, Tirupati and an order of *status quo* was granted on 02.05.2018. He submits that the lower Appellate Court *vide* judgment dated 15.10.2020 allowed the appeal in favour of the petitioner and aggrieved by the same, the respondent No.7 preferred S.A No.274 of 2020 before this Court, that the same was dismissed by this Court on 28.07.2023 and thus, the judgment and decree passed by the 1st Appellate Court, setting aside the judgment and decree dated 06.04.2018 granted in favour of the respondent No.7 had attained finality.

7. He also submits that during the pendency of the said Second Appeal, the respondent No.7 filed W.P No.13509 of 2021 and the same was disposed of *vide* an order dated 05.08.2021, with a direction to the respondents therein to restore the power supply to the Service Connection No.5534204170068 released in favour of the writ petitioner therein/respondent No.7 herein. He submits that though the said order contemplates further action to be taken by the DISCOM authorities, in accordance with law, after giving notice, for the reasons best known to the authorities concerned, no action was taken. He submits that under said circumstances, the petitioner filed the present writ petition.

8. He submits that the respondent authorities are under an obligation to provide supply of power to the petitioner by disconnecting the power supply which is granted in favour of the respondent No.7, and urges for allowing the writ petition, in the facts and circumstances of the case.

9. On the other hand, the learned counsel for the DISCOM made submissions with reference to the averments made in the counter-affidavit. While not disputing the submissions made by the learned counsel for the petitioner that no further action pursuant to the orders in the W.P NO.13509 of 2021 was initiated, he submits that the power supply to the respondent No.7 was restored on 17.08.2021, in view of the orders passed by this Court in the said writ petition.

10. He also submits that no complaint was lodged by the petitioner with regard to the removal of meter or equipment by the third parties, and as no complaint was lodged as contemplated under the Terms and Conditions of the Supply, the concerned officer has not taken any action. He submits that in view of the disputes between the petitioner and the respondent No.7, the authorities are not in a position to take appropriate action regarding the grievance of the petitioner.

11. The submissions made by the learned counsel for the DISCOM merits no acceptance.

12. As seen from the material on record, the petitioner lodged a complaint to the police (Ex.P8) on 28.08.2020 referring to the demolition of tin shed by the unofficial respondent and others. He has also lodged a complaint on 01.09.2020 (Ex.P9) to the concerned Executive Engineer.

13. Further, it is not the case of the respondent-DISCOM authorities that the Service Connection No.5534204152669 released in favour of the petitioner is still alive and C.C bills are being issued every month. Since the respondent No.7 lost civil litigation before the competent Courts, the petitioner, in the

considered opinion of this Court is entitled for release of fresh connection. That apart, as the respondent No.7 appears to have obtained power supply pending the litigation and as he is lost the suit, he is not entitled for continuation of the power supply *vide* Service Connection No.5534204170068.

14. Accordingly, the authorities of the DISCOM are directed to restore/grant service connection to the petitioner and cancel the service connection released to the respondent No.7, as expeditiously as possible at any rate within a period of four (04) weeks from the date of receipt of copy of this order.

15. With the above directions, this Writ Petition is disposed of. No costs. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE NINALA JAYASURYA

Date:16.02.2026
Ksj