HIGH COURT OF ANDHRA PRADESH

MAIN CASE No: W.P.No.26120 of 2023

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE.
02	05.10.2023	**RC,J** **W.P.No.26120 of 2023** Notice before admission. Learned Government Pleader for Panchayat Raj takes notice for respondent 1 & 5. Learned Government Pleader for Energy takes notice for respondent No.9. Sri G.Venkata Reddy, learned Standing Counsel for Panchayat Raj takes notice for respondent Nos.6 & 7. Sri V.R.Reddy Kovvuri, learned Standing counsel for APCPDCL takes notice for respondent Nos. 2, 3 & 4. For counters, post on 19.10.2023. **RC,J** **I.A.No.1 of 2023** Heard Ms. M.Vidyavathi, learned counsel for the petitioner, Sri G.Venkata Reddy, learned Standing Counsel for respondent Nos. 6 & 7 and Sri V.R.Reddy Kovvuri, learned Standing Counsel for APCPDCL for respondent Nos.2 to 4. The learned counsel for the petitioner in elaboration would submit that power supply to the petitioner's weigh bridge was disconnected on the ground that the petitioner has not submitted No Objection Certificate from Gram	

		Panchayat. In fact, earlier, the petitioner has obtained No Objection Certificate from the Gram Panchayat and the same was submitted at the time of releasing power supply connection to the weigh bridge and the same is also evident from the letter addressed by the Panchayat Secretary to the Electricity Department. However, the electricity authorities have disconnected the power supply highhandedly, contrary to the well established principle of law that electricity is basic amenity and no individual can be deprived of it without cogent and lawful reasons. Further, though the petitioner had applied to the Panchayat authorities for issuance of fresh NOC, they did not issue No Objection Certificate so far. Hence, prayed to grant interim orders directing the electricity department to restore power supply. On the other hand, Sri G. Venkata Reddy, learned Standing Counsel for respondent Nos. 6 & 7 submitted that the panchayat records do not reflect issuance of any No Objection Certificate as alleged by the petitioner and the petitioner had never applied for No Objection Certificate. The learned Standing Counsel submitted that a detailed counter is required to be filed and sought time. Sri V.R.Reddy Kovvuri, learned Standing counsel for APCPDCL, submitted that as the petitioner failed to submit No Objection Certificate as required by the authorities, power	

		supply was disconnected to the petitioner's weigh bridge. The learned Standing Counsel sought time for filing a detailed counter. According to the petitioner, power supply connection was granted upon submission of No Objection Certificate issued by the Gram Panchayat. As per the Gram Panchayat their records do not show issuance of any such No Objection Certificate to the petitioner. It is an undisputed fact that the electricity authorities have provided power supply to the petitioner's weigh bridge. Electricity is an integral part of right to life under Article 21 of the Constitution of which a person cannot be deprived but for cogent and valid reasons. In the instant case, the reason for disconnection is non submission of No Objection Certificate. Thus, *prima facie* a point for consideration in this writ petition has been made out. Therefore, this Court is inclined to pass the following interim order: "the respondent Nos. 2 to 4 are directed to restore power supply to the petitioner's weigh bridge viz., Sri Ganesh Weigh Bridge, Marripally village, Podalakur Mandal, SPSR Nellore District, forthwith. **RC,J** Note: issue C.C. by 06.10.2023 B/o RR	