

[3332]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE FIFTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI



IA No. 1 OF 2023

IN

WP NO: 26120 OF 2023

Between:

Vempuluru Sudhakar, S/ o Venkatarathnam, aged about 52 years R/o Marripally Village, Podalakur Mandal, SPSR Nellore District

Petitioner

AND

1. The State of Andhra Pradesh, represented by its Principal Secretary, Department of Panchayath Raj and Rural Development, at Secretariat, Amaravathi, Velagapudi, Guntur District.
2. Southern Power Distribution Company Ltd., Rep.by its. Managing Director, Tirupati, Chittoor District.
3. State of Andhra Pradesh, represented by its Controller, Legal Metrology Department at Amaravati, Guntur District.
4. The Asst. Controller, Legal Metrology, SPSR Nellore District.
5. The Divisional Panchayath Officer, SPSR Nellore District
6. The Grama Panchayath, , rep by its Sarpanch, Marripally village, Podalakuru Mandal, SPSR Nellore District
7. The Panchayath Secretary, Gram Panchayath, Marripally village, Podalakuru Mandal, SPSR Nellore District
8. The Superintending Engineer, AP State Power Distribution Corporation Limited, SPSR Nellore District.
9. The Asst. Engineer, AP State Power Distribution Corporation Limited, Podalakur, SPSR Nellore District.

Respondents

Counsel for the Petitioner : Ms. M Vidyavathi

Counsel for the Respondent Nos. 1 & 5 : Government Pleader for Panchayat Raj

Counsel for the Respondent No.9 : Government Pleader for Energy

Counsel for the Respondent Nos. 6 & 7 : Sri G.Venkata Reddy, learned Standing Counsel

Counsel for the Respondent Nos. 2, 3 & 4: Sri V.R.Reddy Kovvuri, learned 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 no 6 and 7 to forthwith issue NOC in order to submit before the 9th respondent as compliance to the order dt. 30.09.2023, in the interest of justice and fair play, Pending disposal of WP No. 26120 of 2023, 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).

ORDER

"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."

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

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SECTION OFFICER

To,

1. The Principal Secretary, Department of Panchayath Raj and Rural Development, State of Andhra Pradesh, at Secretariat, Amaravathi, Velagapudi, Guntur District.
2. Managing Director, Southern Power Distribution Company Ltd, Tirupati, Chittoor District.
3. Controller, State of Andhra Pradesh, Legal Metrology Department at Amaravati, Guntur District.
4. The Asst. Controller, Legal Metrology, SPSR Nellore District.
5. The Divisional Panchayath Officer, SPSR Nellore District
6. The Sarpanch, Grama Panchayath, Marripally village, Podalakuru Mandal, SPSR Nellore District
7. The Panchayath Secretary, Gram Panchayath, Marripally village, Podalakuru Mandal, SPSR Nellore District
8. The Superintending Engineer, AP State Power Distribution Corporation Limited, SPSR Nellore District.
9. The Asst. Engineer, AP State Power Distribution Corporation Limited, Podalakur, SPSR Nellore District. (1 to 9 by RPAD)
10. One CC to Ms. M Vidyavathi Advocate [OPUC]
11. Two CCs to Government Pleader for Panchayat Raj, High Court Of Andhra Pradesh. [OUT]
12. Two CCs to Government Pleader for Energy, High Court Of Andhra Pradesh. [OUT]
13. One CC to Sri G.Venkata Reddy, learned Standing Counsel [OPUC]
14. One CC to Sri V.R.Reddy Kovvuri, learned Standing counsel [OPUC]
15. One spare copy

HIGH COURT

RC,J

DATED:05/10/2023

ORDER

IA No. 1 OF 2023
IN
WP NO: 26120 OF 2023

DIRECTION

