

APHC010575872025



**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: 30196 of 2025

Between:

1. SRUNGARAPATI NEELIMA @ NELLAMMA, W/o. LATE VENKATA NARASIMHULU, AGED ABOUT 64 YEARS, HOUSEWIFE, R/o. D.No. 1-103, NEAR GOVT. ELEMENTARY SCHOOL, MALLEPADU, TENALI MANDAL, GUNTUR DISTRICT.
2. PINAPATI VIJAYA NIDHI, S/o. PINAPATI VENKATA RAO, AGED ABOUT 30 YEARS, R/o. D.No. 1-103, NEAR ELEMENTARY SCHOOL, MALLEPADU, TENALI MANDAL, GUNTUR DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF ENERGY, SECRETARIAT, AMARAVATI.
2. ANDHRA PRADESH CENTRAL POWER DISTRIBUTION COMPANY LIMITED APCPDCL, REP BY ITS CHAIRMAN AND MANAGING DIRECTOR CORPORATE OFFICE, VIJAYAWADA, KRISHNA DISTRICT.
3. THE SUPERINTENDENT ENGINEER, OPERATION CIRCLE APCPDCL, GUNTUR.
4. THE DIVISIONAL MANAGER, OPERATION, APCPDCL, TENALI, GUNTUR DISTRICT.

5.THE DEPUTY EXECUTIVE ENGINEER, OPERATION, TENALI, APCPDCL, TENALI, GUNTUR DISTRICT.

6.THE ASSISTANT ENGINEER, OPERATION, APCPDCL, D2, TENALI, GUNTUR DISTRICT.

7.PINAPATI SUNEEL PAUL, S/O PINAPATI MOHANA RAO, AGED 43 YEARS, R/O D.NO. 1-180, NEAR GOVT. ELEMENTARY SCHOOL MALLEPADU, TENALI, GUNTUR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.Mr.VENKATA DURGA RAO ANANTHA

Counsel for the Respondent(S):

1.Mr.J.JAYANAND

2.GP FOR ENERGY

3.Mr.V.V.SATISH (SC for APEPDCL)

The Court made the following Order:

The present writ petition is filed challenging the order dated 23.09.2025 issued by the 6th respondent as illegal, arbitrary and violative of Articles 14 and 300-A of the Constitution of India and for a consequential direction to consider and grant electricity connections to the petitioners' properties forthwith, subject to compliance with technical and statutory requirements, regarding title etc.

2. Heard Mr.Bulla Sambasiva Rao, learned arguing counsel for the petitioners. Also heard Mr.Abdul Mateen, learned counsel representing learned Standing Counsel for APCPDCL for the respondents. Mr.Kurra Srinivasulu appeared on behalf of the 7th respondent.

3. Referring to the averments made in the affidavit filed in support of the writ petition, the learned counsel for the petitioners *inter alia* submits that the father of the petitioners one Mr.P.Veeraiah purchased property i.e., Ac.0.03 cents in Plot No.121 and Ac.0.03 cents in Plot No.122 in D.No.198/2A2 situated at Mallepadu Village under separate possessory agreements of sale dated 08.04.1990 and 20.05.1990 respectively and since then he was in peaceful possession and enjoyment of the said properties. He submits that alleging that the petitioner's father purchased the said properties in violation of provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, the Tahsildar, Tenali initiated proceedings, but however on submitting reply, the same appears to have been dropped. Be that as it may. He submits that after the death of the petitioners' father and their mother, the petitioners

herein became the absolute owners of the subject matter property and they are in peaceful possession and enjoyment of the same.

4. While so, the learned counsel submits that the 7th respondent herein filed O.S.No.11 of 2023 before the Court of Principal Civil Judge (Junior Division), Tenali, with false allegations against the petitioners' brothers, but withdrew the same on 02.07.2024. He submits that subsequently the 7th respondent filed O.S.No.482 of 2025 before the Court of Principal Civil Judge (Junior Division), Tenali against the petitioners and others for declaration and recovery of possession of the above said plots and the petitioners are contesting the said suit by filing a written statement. He submits that during the pendency of the said suit, the petitioners made an application to the official respondents for providing electricity. Surprisingly, *vide* impugned communication dated 23.09.2025, the petitioners' request was rejected on the premise that O.S.No.482 of 2025 is pending. The learned counsel contends that the said reason stated by the respondent-authorities is not tenable and they are required to consider the application of the petitioners for providing electricity supply on the basis of documents submitted by the 1st petitioner and in the absence of any interim orders of injunction restraining the authorities from providing the electricity connection, the same cannot be denied, that too on the ground that a suit is pending. He also submits that even as per the provisions of the Electricity Act i.e., under Section 43, the Distribution Companies are under an obligation to extend power supply on an application by the petitioner / applicant or even to an occupier of any premises. Making

the said submissions, the learned counsel seeks to allow the writ petition by setting aside the order impugned in the matter.

5. The unofficial respondent No.7 filed a counter-affidavit and supported the action of the DISCOM authorities in not providing electricity connection to the petitioner. The DISCOM authorities have not filed any counter.

6. This Court has considered the submissions made and perused the material on record. At the outset, it may be appropriate to mention that in the impugned letter dated 23.09.2025, it is stated that the request for new service connection is kept pending until finalization of pending O.S.No.482 of 2025 referred to above. It is not in dispute that the said suit was filed seeking to declare the 7th respondent herein as the owner of the plaint 'A' and 'B' schedule properties and for possession of the same. It is also not in dispute that the Trial Court has not granted any interim orders, whatsoever. In such an event, as submitted by the learned counsel for the petitioners, the respondent-authorities are required to examine the application made by the petitioners as per Appendix-I of General Terms and Conditions for supply of electricity, more particularly Para No.11 therein.

7. In the present case, it appears that such an exercise has not been undertaken and the application of the petitioners' was simply kept pending on the ground of pendency of the Civil Suit. It is not the case of the respondent-authorities that pendency of a civil suit would come in their way for granting

electricity supply to an occupier of the premises under any of the terms and conditions of supply. Therefore, the impugned letter is liable to be quashed.

8. In the light of the conclusions arrived at supra, the letter dated 23.09.2025 issued, without examining the matter with reference to the relevant Terms and Conditions for supply of electricity is set aside. The 6th respondent shall consider the application made by the petitioners for providing service connections afresh, in accordance with the Law, as expeditiously as possible, within a period of two weeks from the date of receipt of a copy of this order.

9. Accordingly, the writ petition is disposed of. No costs. Consequently, all pending applications shall stand closed.

JUSTICE NINALA JAYASURYA

BLV
Dt. 16.02.2026

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

W.P. No: 30196 of 2025

Date: 16.02.2026

BLV