HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 437 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 13-02-2025 in W.P.No.18049 OF 2024 on the file of the High Court.

Between:

1. Thati Sravan Kumar, S/o. Late T.Narsimulu, Aged about 46 years, Occ: Pvt. Service, R/o. H.No.1-7-1022/9/B/2/1, Zamistanpur, Harinagar, Musheerabad, Hyderabad.
2. Smt. V.Sujatha, W/o. Veerla Uma Maheswar, Aged about 40 years, Occ: Housewife, R/o. H.No.8-3-743/A, Yellareddyguda, Hyderabad
3. Mr.V.Sridhar, S/o. V.Suresh, aged about 35 years, Occ: Pvt. Employee, R/o. Flat No. 202, Srinidhi Residency, Gokulnagar, Tarnaka, Hyderabad
4. Mr. K.Sudarshan Rao, S/o. K.Narsing Rao, Aged about 62 years, Occ: Retd. Govt. Service, R/o. H.No.12-3-645/26/2, Asif Nagar, Hyderabad.

...APPELLANTS/RESPONDENTS-5,6,8 AND 9

AND

1. Mallipeddi Madhusudan Reddy, S/o. Late M.Janardhan Reddy, Aged about 68 years, Occ: Agriculture, R/o. H.No.1-2-35/1, Habsiguda, Hyderabad-500 007.

...RESPONDENT/WRIT PETITIONER

2. The State of Telangana, Secretariat Buildings, Hyderabad, rep. by its Principal Secretary, Power and Energy Department Secretariat, Hyderabad.
3. The Southern Power Distribution Company Limited, of Telangana, rep. by its Chairman and Managing Director, Mint Compound, Hyderabad
4. The Southern Power Distribution Company Ltd., of Telangana, rep. by its Superintendent Engineer, Operation, Habsiguda Circle, TGSPDCL, Habsiguda-500007, Hyderabad.
5. The Southern Power Distribution Company Ltd., of Telangana, rep. by its Assistant Divisional Engineer (Comml.), Habsiguda Circle, TGSPDCL, Habsiguda-500007, Hyderabad

6. M.V.Narsinga Rao, S/o. Late M.Venkat, Aged about 39 years, Occ: Private Service, R/o. H.No. 10-5-779/B. Tukaramgate, North Lalaguda, Secunderabad.

...RESPONDENTS

IA NO: 1 OF 2025

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 suspend the operation and execution of the order dated 13.2.2025 passed in WP No.18049 of 2024, pending disposal of the writ appeal.

Counsel for the Appellants: SRI SRIKANTH HARIHARAN

Counsel for the Respondent No.1: SRI V. V. RAMANA

Counsel for the Respondent No.2: SRI P. GANESH,
GP FOR ENERGY DEPARTMENT

Counsel for the Respondent Nos.3 to 5: SRI N. SREEDHA REDDY, SC FOR SOUTHER POWER DISTRIBUTION COMPANY LTD

The Court Delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.437 of 2025

JUDGMENT: *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*

Sri Srikanth Hariharan, learned counsel for the appellants; Sri V.V.Ramana, learned counsel for respondent No.1 and Sri P.Ganesh, learned Government Pleader for Energy Department for respondent No.2.

2. With the consent, finally heard.

3. This intra Court appeal takes exception to the order passed in W.P.No.18049 of 2024, dated 13.02.2025.

4. The learned Single Judge passed an order directing the official respondents to hear the respondent No.1 (writ petitioner), the appellants (respondents No.5, 6, 8 and 9 in the writ petition) and respondent No.6 (respondent No.7 in the writ petition) and take a decision on the question of grant of electricity connection.

5. The appellants urged that a civil suit, namely O.S.No.606 of 2021 (renumbered as O.S.No.732 of 2022), was filed by respondent No.1 seeking injunction. The only order passed

therein was to maintain *status quo*. The parties are at loggerheads as to who is in actual possession. In this backdrop, the singular argument advanced by the learned counsel for the appellants is that if the electricity connection is provided to the respondent No.1, he will be using that to support his original suit for grant of injunction to say that he is in possession.

6. During the course of hearing, learned counsel for the appellants made it clear that his whole argument is that respondent No.1 is not in possession of the subject property and any grant of electricity connection to him will strengthen his case before the civil Court.

7. We have heard the learned counsel for the parties at length.

8. The operative portion of the order of the learned Single Judge shows that the learned Single Judge thought it proper to direct the official respondents to provide an opportunity of personal hearing to respondent No.1, the appellants and respondent No.6 and take a decision within a stipulated time.

9. In our opinion, the ends of justice would be met if this writ appeal is disposed of by holding that it shall be obligatory on the

part of the official respondents to hear the appellants and respondents No.1 and 6 and then take a decision on the question of grant of electricity connection. However, if the electricity connection is granted, that would not be a conclusive proof of possession of a party and it will be lawful for the civil Court to decide the question of possession and civil suit as per its own merits in accordance with law.

10. In this view of the matter and with the aforesaid observations, the writ appeal is **disposed of** by directing the official respondents to hear all the parties and take a decision regarding grant of electricity connection in accordance with law. It is made clear that this Court has not expressed any opinion on the merits of the case. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

SD/-K.SAILESHI
JOINT REGISTRAR

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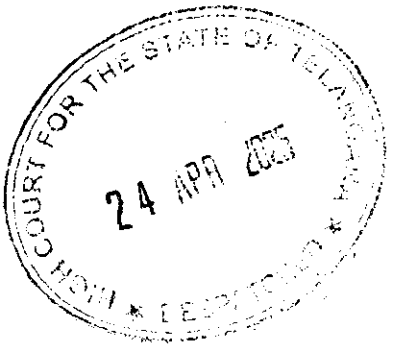
To,

1. The Principal Secretary, The State of Telangana, Secretariat Buildings, Hyderabad, Power and Energy Department Secretariat, Hyderabad.
2. The Chairman and Managing Director, The Southern Power Distribution Company Limited, of Telangana, Mint Compound, Hyderabad
3. The Superintendent Engineer, The Southern Power Distribution Company Ltd., of Telangana, Operation, Habsiguda Circle, TGSPDCL, Habsiguda-500007, Hyderabad.
4. The Assistant Divisional Engineer (Comml.), The Southern Power Distribution Company Ltd., of Telangana, Habsiguda Circle, TGSPDCL, Habsiguda-500007, Hyderabad
5. One CC to Sri Srikanth Hariharan, Advocate [OPUC]
6. One CC to Sri V. V. Ramana, Advocate [OPUC]
7. Two CC to The GP for Energy, High Court for the State of Telangana, at Hyderabad[OUT]
8. One CC to Sri N. Sreedhar Reddy, SC for Southern Power Distribution Company Limited[OPUC]
9. Two CD Copies

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HIGH COURT

DATED:21/04/2025



JUDGMENT

WA.No.437 of 2025

DISPOSIN OF THE WRIT APPEAL

WITHOUT COSTS

(12)

24/4/25