

[3418]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT APPEAL NO: 1239 OF 2024

Writ Appeal under clause 15 of the Letters Patent Against the Order Dated 02/09/2024 in W.P. No. 2816 of 2024 on the file of the High Court.

Between:

Galipelli Niranjana Chary, S/o. Narsimha Chary, Aged 58 yrs., Occupation. Business, R/o. H.No. 1-5-81/23, Ganesh Nagar, Jagtial Town, Jagtial District.

...APPELLANT

AND

1. The State of Telangana, Rep. by its Principal Secretary, Power and Energy Department, Secretariat, Hyderabad.
2. The Managing Director, TSNPDCL, Warangal, Warangal District.
3. The Divisional Engineer, Operation, TSNPDCL, Jagtial, Jagtial District.
4. The Assistant Engineer, Operation, TSNPDCL, Jagtial, Jagtial District.
5. Jaina Hariprasad, S/o. Ramanaiah, Aged 42 yrs., Occu. Business, R/o. H. No. 1-5-81/23, Ganesh Nagar Village, Jagtial Mandal and District.
6. The Forum for Redressal of Consumer Grievances of Northern Power Distribution Co. Ltd., Rep. by its Chairman, Heritage Building, Power house compound, Varni Road, Nizamabad.
7. The Assistant Accounts Officer / E.R.O., Jagtial Town and District, Jagtial.

...RESPONDENTS

IA NO: 1 OF 2024

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 order dated 02/09/2024 passed by the learned Single judge in W.P.No. 2816 of 2024.

Counsel for the Appellant : SRI VENKAT REDDY KODUMURY

Counsel for the Respondent No.1: SRI H.RAJESH KUMAR, GP FOR ENERGY

Counsel for Respondents No.2to4&6:SRI ZAKIR ALI DANISH, SC TSNPDCL

Counsel for Respondents No.5 : SRI N.PRAVEEN REDDY

Counsel for Respondents No.7:SRI G.BHASKAR, GP FOR FINANCE PLANNING

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.1239 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. K. Venkat Reddy, learned counsel for the appellant.

Mr. H. Rajesh Kumar, learned Government Pleader for Energy for respondent No.1.

Mr. Zakir Ali Danish, learned Standing Counsel for the Telangana State Northern Power Distribution Company Limited for respondent Nos.2 to 4 and 6.

Mr. N. Praveen Reddy, learned counsel for respondent No.5.

Mr. G. Bhaskar, learned Government Pleader for Finance and Planning Department for respondent No.7.

2. This intra court appeal is filed against the order dated 02.09.2024 passed by the learned Single Judge by which W.P.No.2816 of 2024 preferred by the appellant has been dismissed and the order dated 02.01.2024 passed by the Forum for Redressal of Consumer Grievances of Northern Power Distribution Company Limited has been upheld.



3. Facts giving rise to filing of this appeal briefly stated are that the appellant is the owner and is in possession of house bearing H.No.1-5-81/23 in Sy.No.156 situated at Ganesh Nagar, Jagtial Town, Jagtial District (hereinafter referred to as "the subject property"). An electricity connection was provided to the subject property of the appellant. According to the appellant, he obtained loan of Rs.50 lakhs from respondent No.5 and executed a registered mortgage deed in favour of respondent No.5 in respect of the loan taken by him.

4. Sometime in the month of October, 2021, the appellant was informed that the subject property has been mutated in favour of respondent No.5 on the basis of a registered sale deed dated 07.08.2019. The appellant challenged the validity of the aforesaid sale deed in O.S.No.14 of 2021. However, the same was rejected on 06.12.2022. Against the aforesaid order, the appellant preferred A.S.No.25 of 2023 which has been dismissed on 01.10.2024.

5. We have heard the learned counsel for the appellant at length.

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6. From a perusal of the material available on record, it is evident that the registered sale deed dated 07.08.2019 has not been set aside by any Court as on today. Therefore, the action of mutation of the name of respondent No.5 cannot be found fault with. However, it is clarified that mutation of the name of respondent No.5 in respect of the subject property shall be subject to the outcome of the appeal which may be filed by the appellant. The appellant is also granted liberty to challenge the order dated 01.10.2024 passed in A.S.No.25 of 2023 in appeal, if so advised.

7. To the aforesaid extent, the order passed by the learned Single Judge is modified.

8. Accordingly, the writ appeal is disposed of.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-I. NAGA LAKSHMI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Power and Energy Department, Secretariat, State of Telangana, Hyderabad.
2. The Managing Director, TSNPDCL, Warangal, Warangal District.
3. The Divisional Engineer, Operation, TSNPDCL, Jagtial, Jagtial District.
4. The Assistant Engineer, Operation, TSNPDCL, Jagtial, Jagtial District.
5. The Chairman, Forum for Redressal of Consumer Grievances of Northern Power Distribution Co. Ltd., Heritage Building, Power house compound, Varni Road, Nizamabad.
6. The Assistant Accounts Officer / E.R.O., Jagtial Town and District, Jagtial.
7. One CC to SRI VENKAT REDDY KODUMURY, Advocate. [OPUC]
8. One CC to SRI N.PRAVEEN REDDY, Advocate. [OPUC]

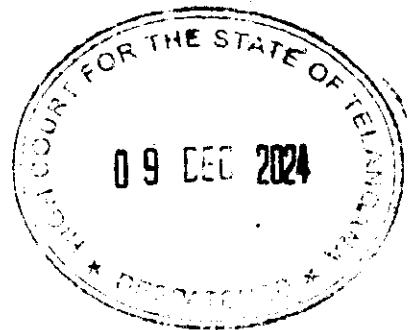
9. Two CCs to GP FOR ENERGY, High Court for the State of Telangana. [OUT]
10. One CC to SRI ZAKIR ALI DANISH, SC FOR TSNPDCL. [OPUC]
11. Two CCs to GP FOR FINANCE & PLANNING, High Court for the State of Telangana at Hyderabad. [OUT]
12. Two CD Copies.

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HIGH COURT

DATED:11/11/2024



JUDGMENT

WA.No.1239 of 2024

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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