

BEFORE THE FORUM
FOR REDRESSAL OF CONSUMER GRIEVANCES
IN SOUTHERN POWER DISTRIBUTION COMPANY OF A.P LIMITED TIRUPATI
On this the 25th day of March 2019
In C. G. No: 64/ 2017-18/Vijayawada Circle

Present

Sri. A. Jagadeesh Chandra Rao
Sri. A. Sreenivasulu Reddy
Sri. D. Subba Rao
Sri. Dr. R. Surendra Kumar

Chairperson
Member (Finance)
Member (Technical)
Independent Member

Between

Smt. R. Laxmi ,
W/o Late Pitchaiah
Vavilala (V),
Tiruvuru (M),
Krishna-Dist

Complainant

AND

1. Assistant Engineer/O/Tiruvuru Rurals
2. Assistant Divisional Engineer/O/Tiruvuru
3. Divisional Engineer/O/ Nuzvid

Respondents

ORDER

1. Smt R.laxmi W/o Late. Pitchaiah of Vavilala (V), Tiruvuru (M) , Krishna District presented a complaint during the Vidyut Adalat conducted at Tiruvuru on 13.07.2017 and the same was registered as C.G.No:64/2017-18 of Vijayawada Circle . The Complainant in her complaint requested for releasing of agriculture service connection immediately so as to avoid crop loss.
2. The Respondents No.1 and 2 filed joint written submission stating that Smt R. Laxmi W/o Pitchaiah of Vavilala (V) has applied for the Agricultural Service connection vide Reg. No: 66224N18280 , dated: 20.10.2016 for the bore well existing in Rs.No.256/2 situated in Vavilala (V). The Applicant has enclosed bore wells certificate issued by the concerned Thasildhar, wherein it was mentioned that the land situated in Rs.No:256/2 is in Court dispute. Applicant is requested to provide ownership documents like sale deed or Pattadhar passbook or online adangal copy to the department along with application. But the applicant failed to produce the ownership documents. Hence the department could not consider the said application. Department had also received objection letter from Smt. Gandamala.

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Kanakamma and Sri Gandamala .Yesu stating that they are the owners of the land bearing Rs.No.256/2 and a suit is pending in O.S.No.352 of 2008 before the Principal Junior Civil Judge, Tiruvuru and the objectors are defendants No.3 and 4. Hence the department is unable to sanction electricity connection until the dispute is settled in the court.

3. A personal hearing was conducted at Superintending Office, Vijayawada on 27.04.2018. Both the parties were present and reiterated their contentions. Complainant's son filed copies of plaint written statement and judgment in O.S.352/08 on the file of Principal Junior Civil Judge, Tiruvur.
4. The point for determination is whether the service connection can be released in the name of the complainant in Rs.No.256/2?

Plaintiff filed a suit for specific performance of contract directing the defendants 1 to 3 to execute a regular registered sale deed in terms of agreement of sale Dt: 03.07.1995 and permanent injunction restraining the defendants from interfering with peaceful possession and enjoyment of the plaintiff over the plaint schedule property. Plaintiff has shown three items consisting of Ac.0.75 cents, Ac.2.75 cents and 0.80 cents as item Nos.1 to 3 in the plaint schedule property. Plaintiff claimed that the entire plaint schedule property in RS. No.256/2 of Vavilala (V) is Ac.4 - 32 cents, belongs to one A. Mangaiah. The said A. Mangaiah had given 1 acre of land to his elder daughter, 0.75 cents of land to the plaintiff, 0.50 cents of land to 1st defendant and 0.75 cents of land to the 3rd defendant as pasupu kunkuma at the time of their marriages and kept 0.82 cents of land in his name. Subsequently he executed a Will in favour of the plaintiff in respect of 0. 80 cents of land on 21.07.1992 and died in the month of April' 1995. Plaintiff had purchased the shares of her sister in remaining extent of Ac.2- 75 cents on 03.7.1995 under an agreement of sale which was executed by 1st, and 3rd defendants mother of 2nd defendant and another sister of plaintiff by name Rathamma. Hence she is in possession and enjoyment of the entire extent land of Ac.4- 32cents.

3rd defendant in that suit filed written statement admitting of giving of land to his daughters at the time of their marriages and keeping remaining 0.82 cents with him but denied the allegation of execution of Will dt: 21.07.1992 in favour of plaintiff and purchase of Ac.2.75 cents of land under possessory agreement of sale dt :03.07.1995.

Complainant also filed the judgment and decree in O.S. No. 352/2008 on the file of Principal Junior Civil Judge, Tiruvuru. The suit was partly decreed by granting perpetual injunction restraining the defendants, their men and agents from ever interfering with

peaceful possession and enjoyment of plaintiff over item No.1 (i.e. 0.75 cents of land) of the plaint schedule property and relief in so far as grant of specific performance of contract basing of Ex.A1(Possessory agreement of sale Dt:03.7.1995) and grant of perpetual injunction , so far as item Nos. 2 and 3 of the schedule property are concerned, the same is dismissed.

After going through the judgment in O.S. No.352/2008 on the file of the Principal Junior Civil Judge, Tiruvuru , the secretary of the Forum contacted the complainant and her son to file documents to show that the bore well is existing in item No.1 of the decree schedule in O.S. No.352/2008 .The complainant after taking considerable time has sent a copy of certificate issued through mail by Tahsildar Dt: 11.01.2019 stating that complainant herein is having 0.75 cents in RS. No.256/2 of Vavilala (V) in Tiruvur (M) and there is a existing bore well.

Respondents did not release AGL service connection on the ground that an objection was received stating that a civil suit was pending between the complainant and the objectors for releasing of AGL service connection in R.S.No.256/2. The competent civil court has given a finding that complainant is entitled for perpetual injunction so far the extent of 0.75 cents within the boundaries of east: land of C. Kasu, South : Land of R. Ramaiah, west :land of G. Kanakamma and north:land of Narayanvarpu Venkata Narayna (as per item no.1 of decree schedule in O.S.No.352/08). The certificates issued by the Tahsildar shows that the bore existing in 0.75 cents of land in the name of complainant. So there will be no difficulty for the respondents in releasing AGL service connection in the name of the complainant.

5. Complainant did not state whether she or defendants in the suit preferred appeals against the judgment. So also respondents did not state that appeals are pending. Service connection cannot be refused to the complainant, on the ground that a civil suit was pending between the complainant and the objectors as suit was partly decreed in favour of the complainant. But to avoid future complications the Forum is of the view that service connection can be released in the name of the complainant after filing an undertaking affidavit by the complainant attested by the Notary stating that the bore well is situated in 0.75 cents of land in R.S.No. 256/2 of Avilala (V) i.e item No:1 of decree schedule for which the permanent injunction was granted in O.S No. 352/2008 by the court of Principal Junior. Civil Judge, Tiruvur and if later it is found to be false the respondents are at liberty to remove the service connection as per procedure and she will indemnify the loss to the Licensee in releasing the service connection and original certificate issued by Tahsildar dated:11.1.2019.

