

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT  
CHANDIGARH

C.R. No.4941 of 2015

Date of Decision.06.08.2015

Parbati Koldam Transmission Company Limited

.....Petitioner

Versus

Colonel (retd) Rupinder Pal Singh Mahal and others

.....Respondents

Present: Mr. I.S. Sidhu, Advocate  
for the petitioner.

**CORAM:HON'BLE MR. JUSTICE K. KANNAN**

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-. -

**K. KANNAN J. (ORAL)**

1. The revision petition is against an order making an objection to a transfer of proceedings before the Additional District Judge for consideration of the appeal against the order of the District Magistrate under the Telegraph Act. The contention is that an appeal which is provided to a District Judge must be understood as the Principal District Judge by invoking the provision under General Clauses Act and it shall be only the Principal District Judge who has the competency to decide the case. The counsel would say making reference to Section 21 (2) of the Courts Act, 1920 that the Additional District Judge will have only such jurisdiction as the High Court pronounces through notification issued by the State Government in consultation with the High Court. According to him, if the High Court itself has not conferred such jurisdiction to the Principal District Judge, she/he has no power to transfer the proceedings to the Additional District Judge.

2. The application filed by the person who has preferred the appeal with the prayer that the matter must come back to the District Judge from the Additional District Judge's Court appears to be not justified. There is reference to the Judgment of the Supreme Court in *The Kerala State Electricity vs T.P. Kunhaliumma AIR 1977 SC 282* which according to the counsel states that the case can be disposed of only by the District Judge. The extract of the judgment cited before me makes only reference to the fact that the District Judge acts as a Civil Court and states nowhere in the judgment that the case cannot be transferred to the Additional District Judge. Even a reference to Section 21 of the Punjab Courts seems with reference to Clause (2) of the said Section. Clause (2) states that an Additional District Judges shall have jurisdiction to deal with and dispose of such cases only as the High Court, by general or special order, may direct them to deal with and dispose of or as the District Judge of the District may make over to them for being dealt with and disposed of. The second part of sub-section will operate for making possible for the District Judge to make over some cases to the Additional District Judge. I do not find any error on the part of the District Judge to make over the case to Additional District Judge to dispose of.

3. Instances where a District Judge is constituted as a *persona designata* through a legislative provision or a particular notification, such a Judge will not be able to constitute any Additional Judge to perform the functions which only he, as a *persona designata*, is competent to perform. There is no such argument made before me that the District Judge to whom an appeal is preferred is a *persona*

*designata*. On the other hand, he is a Civil Court in the manner that the Supreme Court has dealt with in the above decision. The District Court which is a Court of civil jurisdiction as well, has the competency to make over cases filed before it to a Court of co-equal jurisdiction which is Additional District Judge.

4. I do not find any error in the order passed by the Court below and decline to make any intervention as sought for by the petitioner. The civil revision is dismissed.

(K. KANNAN)  
JUDGE

August 06, 2015  
Pankaj\*