

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP no. 17436 of 2011 (O&M)

Decided on: 21.09.2015

Gurmail Singh

Petitioner

vs.

Punjab State Power Corporation Limited and others

Respondents

CORAM : HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Vikram Bajaj, Advocate for

Mr.H.C.Arora, Advocate for the petitioner

Ms.J.K.Gurna, Advocate for respondents no. 1 to 3

Mr. P.L.Singla, Advocate for respondent no.4

Mahesh Grover, J

The petitioner has filed the instant petition with a prayer that respondents no. 2 and 3 be directed to conduct an indepth investigation to the allegations levelled by the petitioner as contained in the legal notice dated 8.8.2011 and to take departmental action against the concerned official.

Briefly the allegations set out by the petitioner are that there was a power connection with motor account no.D.2-1570 sanctioned by the Punjab State Electricity Board in favour of petitioner's father Sh.Gurcharan Singh. It is alleged that respondent no.4 in connivance with officials of Electricity Board after forging the signatures of Sh.Gurcharan Singh (petitioner's father) managed

of Sh.Gurcharan Singh, the original holder of the connection.

The respondent no. 4 has filed his reply stating that the connection was purchased by Sh. Jarreja Singh his father during the lifetime of Gurcharan Singh (petitioner's father). The land continued to be cultivated with the connection being used to the knowledge of the petitioner's father and it is only after his death that said allegations have been made by petitioner and thus pleads that there is no fraud or forgery and the connection was validly changed in the name of Sh.Jarreja Singh (AP 09/2339).

The official respondents have also filed their reply to contend that after the death of Gurcharan Singh the said connection was got transferred by his another son namely Ajmer Singh with Khata no.AP-09/2194 which is still existing in his name and is functional. The matter was inquired into thoroughly and it transpired that during the lifetime of Sh.Gurcharan Singh this connection was installed in the fields of one Amar Singh to the knowledge of the petitioner himself.

It is also pertinent to mention here that this Amar Singh filed a civil suit regarding this very connection in which the petitioner was a party defendant and so was respondent no.4. This suit continued till 2011 when it was withdrawn abruptly by Amar Singh who is said to have migrated abroad. It was stated by respondent no.4 that no counter claim was filed by petitioner regarding this.

This fact is not disputed by the petitioner and is disclosed in the reply

submitted by the respondents.

Having regard aforesaid, I am of the view that the petition raises disputed questions of fact which cannot be answered in the exercise of the jurisdiction of this Court under Article 226 of the Constitution of India. Whether a connection was sold or not or whether it was transferred would be a question to be established on the basis of evidence. Similarly, allegations of fraud and forgery would require substantial proof which this Court would not be in a position to appreciate in these proceedings. Consequently, writ petition is dismissed as it involves serious questions of facts, leaving the petitioner to his remedies in law.

21.09.2015
rekha

(MAHESH GROVER)
JUDGE