

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

CWP No.1715 of 2015

Date of Decision.02.02.2015

Kuljeet Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

Present: Mr. Ashok Aggarwal, Senior Advocate with
Mr. Rajinder Goyal, Advocate
for the petitioners.

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?

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K. KANNAN J. (ORAL)

1. The point raised in the writ petition that the District Magistrate ought to have considered the objections of the owners against laying of transmission wires, was a point which was brought before this Court in **Kanwar Singh Vs. Union of India 2011 (4) PLR 65**. The learned Senior Counsel would argue that after this judgment delivered by this Court, there has been a Division Bench ruling of the Allahabad High Court in **Jagir Lal and another Vs. State of U.P. And others 2014(5) RCR (Civil) 76** which has considered differently and therefore, that view must be reconsidered. I do not think that there is a scope for reconsideration, for, the Allahabad High Court decision relies on Full Bench ruling of the Kerala High Court, which decision has been considered by me as laying down a law that there is no need for issuing even a notice under the scheme of the Electricity Act and the Telegraphs Act. If the District Magistrate chooses to uphold the decision of the

electricity authorities for laying transmission wires, even an obstruction caused subsequently would amount to offence punishable under Section 188 IPC. This point has been dealt with in *Kanwar Singh's case* (supra) and the inference which has been drawn by the Allahabad High Court from the Kerala High Court, in my respectful view, would not commend to me as applicable to the facts of the case.

2. The writ petition is dismissed.

(K. KANNAN)
JUDGE

February 02, 2015
Pankaj*