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

CWP No. 19782 of 2015
Date of Decision: -17.9.2015

Nitu Jindal

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: - HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present: - Mr. N.D. Achint, Advocate for the petitioner.

Rakesh Kumar Jain, J (Oral)

The petitioner has challenged the order dated 3.9.2015 (Annexure P-6) passed by respondent No. 5. It is alleged that the petitioner is the exclusive owner and in possession of agriculture land bearing Khewat No. 380/320 Killa No. 13,17/1,18,23,24/1 situated within the revenue estate of village Sohna, Tehsil Sohna, District Gurgaon. Respondents No. 1 and 2 are the companies and licensees, engaged in the business of Intra State Transmission of electricity under the Electricity Act, 2003 (for short 'the Act').

It is alleged that respondent No. 1 had notified the construction of transmission lines and sub stations in Haryana including 220 KV D-C Soha Rangla Rajpur line with a tentative length of 24 kilometers. The alignment of the transmission line was not known, however, the petitioner came to know that the alignment of the transmission is maintained in zig-zag manner to pass through the land of the petitioner only to help respondent No.

4. The petitioner had also filed a Civil Writ Petition No. 2640 of 2015 which was disposed of on 16.2.2015 with the direction that the petitioner would resort to her remedy before the Deputy Commissioner, who is seisin of the matter and secure a redressal and till the final orders are passed approving the re-alignment, the 1st respondent will not carry out the further operation and any final order of re-alignment shall abide by the decision of the Deputy Commissioner.

The Deputy Commissioner sought the advice from the Power Grid Corporation in the matter and then passed the impugned order referring to the opinion of the Power Grid Corporation. The relevant portion reads as under: -

As foundation of most of the towers of the above lines has already been casted and erection of Tower and stringing in many spans is also completed. Therefore, the review of the complete route is not feasible at this stage. However, as per site conditions the rout is almost an order, taking into consideration built up area and upcoming construction near Shona town.

One should also appreciate the fact that the crossing over of one line by theother can take place only at right angles. Further, there are issues related to the clearance between two high tension lines. To that extent, I do consider that the present case is fait accompli. There will always be heartburns in case of such land acquisitions.

Regarding the discrepancy that exists in original forecast/ground plan and the final position, the initial chart regarding the land acquisition that was prepared, bases on the collection of information which can only be considered as preliminary and hence, some amendments are carried out and final position was realigned. Thus, I can only be sympathetic towards the complainant. The

larger interest of the general public I consider that the present plan does not need any amendment. I also concede that my initial observations prima facie were based on a cursory understanding. But, it included lot of technicalities. To that extent, I also regret the wastage of time that occurred consequently.

Learned counsel for the petitioner has vehemently argued, while referring to the site plan (Annexure P-1), that the transmission line has been laid down crossing the land of the petitioner at point No. 38 and 39.

I have heard learned counsel for the petitioner and after perusal of the record, found that the transmission line is on the point No. 38 and 39 in the land of the petitioner but it has been found by the Deputy Commissioner, Gurgaon that the towers of the above lines have already been casted and stringing in many spans has also been completed.

I have considered the order passed by the Deputy Commissioner, Gurgaon dated 3.9.2015 and do not find any fault with it. Therefore, the present petition is dismissed being devoid of merits.

**(RAKESH KUMAR JAIN)
JUDGE**

17.9.2015
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