

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

Civil Writ Petition No.26162 of 2013

Date of decision:27.02.2015

Satish Kumar son of Shri Om Parkash, resident of Village Ghanaur,
Tehsil Rajpura, District Patiala.

... Petitioner

versus

Union of India, through Secretary Power, South Block, New Delhi,
and others.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vinod Gupta, Advocate,
for the petitioner.

Mr. V.K. Kaushal, Advocate,
for respondent No.1-Union of India.

Mr. I.S. Sidhu, Advocate,
for respondents 2 and 3.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ?No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The petition is wholly misconceived believing that the Power Corporation who is licensed to lay down wires must acquire the property over which the installations are made when the wires are taken overhead. There is a choice left at all times to a licensee to either cause the acquisition of the property if the structures are erected on the land or can cause a scheme to be published and allow

for the wires to be installed overhead and have the towers erected by way of compulsory licence. The issue of whether any intervention could be made through a writ petition and what are the extent of powers which a landowner may exercise for claiming compensation, have been set forth in a detailed judgment given by this court in **Kanwar Singh Versus Union of India and others, in CWP No.7902 of 2011 (and batch of other cases), dated 19.07.2011**

where this court has held that the judicial intervention to stall the installations cannot be entertained through the writ petitions. This court has observed that the remedy to claim compensation will be invoked by reference to the Telegraph Act which contain sufficient safeguards for assessment to compensation for a person also to be heard on his objection for the installation before the authority constituted under the Act.

2. The learned counsel for the petitioner states that these objections can be invoked only if there is some dispute relating to compensation that is assessed but the respondents are not making any assessment to compensation at all. Even if no amount is given by the respondents, that also must be taken as a dispute which will fall for consideration under the provisions of the Telegraph Act. Needless to state that the respondents themselves will not adopt autocratic ways and inflict on the petitioner a compulsory licence over the land without adequately engaging the petitioner in all the

details relating to the installation of overhead high tension wires and if there is any objection forthcoming from the petitioner, secure the objections to be removed to the extent that is possible by inviting the authorities constituted under the Telegraph Act for full-fledged authority to lay wires according to the directions and also settle the issue of compensation in the manner that is permissible under law. Any such decision will be done as expeditiously as possible. The counsel for the petitioner wants a specification of time, which I estimate 6 month. If for any technical or other reasons, the amount is not paid, it shall not be taken as contempt of court.

3. With these observations, the writ petition is dismissed, but the dismissal shall not be understood by the respondents as giving them authority to deprive the petitioner of what is legally permissible and guaranteed under the provisions of the Telegraph Act.

(K.KANNAN)
JUDGE

27.02.2015
sanjeev