

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

LPA No.111 of 2015 (O&M)

Date of Decision:-11.05.2015

Piara Singh

.....Appellants

Versus

Power Grid Corporation of India and others

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.

Present:- Mr. Charanpal Singh Bagri, Advocate
for the appellant.

Mr. I.S. Sidhu, Advocate
for respondents No. 1 to 3.

Mr. Pranav Chadha, Advocate
for respondent No. 4.

SATISH KUMAR MITTAL, J.(Oral)

This intra-court appeal under Clause-X of the Letters Patent has been filed against the order dated January 15, 2015 passed by the learned Single Judge, whereby the writ petition filed by the appellants was disposed of by passing the following order:

"The counsel for the petitioner states that the petitioner has already approached the District Magistrate by stating his objection. The petitioner's objection will be decided in the light of the judgment rendered by this Court in Kanwar Singh Versus Union of India 2011 (4) PLR 65, relevant licensee rules and the statutory advice of the Central Electricity Regulatory Commission regarding installation of dedicated transmitted

lines by the communication dated 14.5.2010.

The writ petition is disposed of with the above direction."

During the course of hearing it has not been disputed that the respondents are licencees within the meaning of Section 14 read with Section 2(39) of the Electricity Act, 2003 (hereinafter referred to as 'the Act') and that the appropriate Government in exercise of the powers conferred by Section 164 of the said Act, has authorized the respondent to exercise powers which the Telegraph authority has under the Indian Telegraph Act, 1885, to place and maintain the telegraph line and posts over any immovable property.

The only issue which has been raised is with regard to compensation. In the present case, the respondent Corporation only wants to install one tower on the land of the appellants and in that regard they have placed on record the letter according to which they have assessed the maturity value of 718 Poplar trees coming under the corridor, at Rs.34,8230.00. The said value has been fixed as per the report of Divisional Forest Officer, Ludhiana, Government of Punjab. It has been stated that they are offering this as a compensation for damage of the existing trees. As far as the existing crop is concerned, it has been stated that its value will be assessed separately while working on the field according to the damage sustained and the same will be paid to the appellants. It has been stated that the residue of the cut trees has also been permitted to be retained by the owners.

We are of the view that the said offer can be accepted by

the appellants. They will have the liberty to approach the District Judge, under Section 16(3) of the Telegraph Act, for further enhancement of the said compensation.

In view of the afore-said offer and the provisions of the law, we do not find any merit in the present appeal and the same is hereby disposed of with the aforesaid liberty.

**(SATISH KUMAR MITTAL)
JUDGE**

11.05.2015
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**(HARINDER SINGH SIDHU)
JUDGE**