

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 162 of 2015 (O&M)
Date of decision:- 12.03.2015

Vikram Singh ...Appellant
Versus

Junior Engineer and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vikas Lochhab, Advocate,
for the appellant

RITU BAHRI J.

C.M. No. 438-C of 2015

For the reasons mentioned in the application,
delay of 247 days in filing the present appeal is condoned.

The application stands disposed of accordingly.

C.M. No. 437-C of 2015

For the reasons mentioned in the application,
delay of 634 days in re-filing the present appeal is
condoned.

The application stands disposed of accordingly.

Main case

This regular second appeal is against the
judgment and decree dated 09.02.2012 passed by learned
District Judge, Sonapat whereby the judgment and decree
dated 01.09.2010 passed by the learned Addl. Civil Judge
(Sr. Divn.) Sonapat vide which the suit of the plaintiff-
appellant (herein after to be referred as 'the appellant') has

been dismissed, was affirmed by the lower Appellate Court.

The appellant filed a suit for a decree of permanent injunction in his favour restraining the defendants-respondents (herein after to be referred as 'the respondent') from erecting any electricity line through the land of the appellant, in any manner. The appellant was owner in joint possession as a co-sharer in 162(min)/138, 133, Khata No. 189 (Min), rectangle and Killa No. 88/9/1 (7-8), situated in the revenue estate of village Mahlana, Tehsil and District Sonapat. The respondents wants to erect a new electricity line from Point A to B to supply electricity in Khasra No. 71/5/2 and It was pleaded that that due to erection of the proposed electricity line, for the loss caused, the appellant can claim compensation from the Nigam. The suit of the appellant was dismissed by the trial Court and on filing appeal, the same was dismissed. The Court below has made reference to a judgment passed by this Court in a case of Kanwar Singh vs. Union of India, Ministry of Power, Shram Shakti Bhawan, New Delhi and others, 2011 (4) R.C.R Civil 490 and in this case, the appellant had challenged the laying down of electricity line on the ground that proper procedure of law has not been filed by the licensee and he should be duly compensated for the use. It was held by this Court that licensee had power to lay over-head transmission lines without prior consent of the land owners.

In the present case, the Government proposed to set up only 33 KV line from 132 KV sub station for improvement in the existing system as well as for proper voltage and service to the consumer.

The judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, R.S.A is dismissed

March 12, 2015
G Arora

(RITU BAHRI)
JUDGE