

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

**CWP No.10893 of 2014
Date of decision: 22.09.2016**

Bharat Sanchar Nigam Ltd.

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Anil Rathee, Advocate for the petitioner.
Mr. B.M.Vinayak, DAG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Feeling aggrieved against the alleged inaction as well as action of the respondent authorities, petitioner has approached this Court by way of present writ petition under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus, restraining the respondents from removing/damaging the underground telephone cables already laid down by the petitioner.

Notice of motion was issued and in compliance thereof, written statement has been filed, disputing the averments taken by the petitioner.

In view of the fact that seriously disputed questions of facts are involved in the present writ petition, it would not be possible for this Court to decide the controversy involved between the parties, because the parties would be required to lead their evidence. In this view of the matter, petitioner is relegated to its ordinary remedy of civil suit for recovery, if any. Similarly, so far as the alleged criminal liability of the concerned officials/officers of the respondent department is concerned, petitioner shall be at liberty to pursue its remedy against the erring officials/officers before the appropriate forum, in accordance with law.

With the abovesaid observations made, present writ petition stands disposed of.

**[RAMESHWAR SINGH MALIK]
JUDGE**

22.09.2016

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No