

CWP No.2239 of 2016

[1]

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

**CWP No.2239 of 2016
Date of decision:04.02.2016**

Savitri Devi and another ...Petitioners

Versus

The State of Punjab and others ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Baljinder Singh, Advocate,
for the petitioners.

Rakesh Kumar Jain, J. (Oral)

The earlier writ petition bearing CWP No.23669 of 2015 was disposed of by this Court on 05.11.2015 with the following order:-

“Having heard learned counsel for the petitioners and after perusing the paper-book, however, without commenting on merits of the case, instant petition is disposed of, without issuing notice to the respondents, with a direction to respondent no.2 – Chairman-cum-Managing Director, Punjab State Power Corporation, Patiala, to look into the grievance of the petitioners specifically made in representation dated 05.10.2015 (Annexure P/2) and take appropriate action in accordance with law, within a period of one month from the date of receipt of certified copy of this order. If petitioners are found entitled to electric connection, same shall be released forthwith, in accordance with law.”

In pursuance of the aforesaid direction, the respondents have passed the speaking order dated 23.12.2015, declining the electricity

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connection to the petitioners, with the following observation:-

“.....The horizontal clearance of buildings from 220 KV line as per above clause 80(2) required is 3.698 meters for houses of Savitri Devi and Sankeshi Devi. And vertical clearance as per clause 80 (1) and taking into consideration sag of overhead line as per respective location of houses under 220 KV line, the net vertical clearance required for houses of Savitri Devi and Sankeshi Devi is 7.778 metres and 7.460 metres respectively. But as per measurement done on site by Assistant Engineer Ds Sub Division Mullapur and staff from roofs of houses of Savitri Devi and Sankeshi Devi the vertical clearance is 5.5 metres approximately and 5.6 meters approximately respectively. Which is less than vertical clearance allowed as per calculation done earlier in accordance with Indian Electricity Rules, 1956 clause no.80(1).

Hence, due to lack of clearance of building from 220 KV line, the said electricity connections cannot be released.”

The only argument raised by counsel for the petitioners is that the respondents have not afforded opportunity of hearing before passing the impugned order.

After hearing learned counsel for the petitioners and examining the impugned order, I am of the considered opinion that there is no error in the said order as it has been passed in terms of Rule 80(1) and (2) of the Indian Electricity Rules, 1956, after examining the location and height of the house of the petitioners vis-a-vis the overhead line.

In view thereof, I do not find any merit in the present petition and hence, the same is hereby dismissed.

February 04, 2016
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(Rakesh Kumar Jain)
Judge