

Civil Writ Petition No. 23439 of 2016

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

Civil Writ Petition No. 23439 of 2016

Date of Decision: 11.11.2016

Tara Singh

.....Petitioner

Vs.

Punjab State Power Corporation Limited and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Gagandeep Singh Sirpikhi, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner, by way of instant writ petition under Articles 226/227 of the Constitution of India, has approached this Court against the order dated 24.8.2016 (Annexure P-6) passed by respondent No.4, whereby representation dated 16.5.2016 moved by the petitioner was found without any merit, while deciding the same in compliance of the order dated 12.7.2016 passed by this Court.

Heard learned counsel for the petitioner.

At an earlier point of time, while seeking a writ in the nature of Mandamus, petitioner approached this Court by way of CWP No. 13348 of 2016 for directing respondent No.2 to decide the representation of petitioner dated 16.5.2016, for releasing the electric tubewell connection. The abovesaid writ petition was disposed of by this Court vide order dated 12.7.2016 (Annexure P-5). In compliance of the order passed by this Court, respondent No.4 considered the representation of the petitioner and found

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that petitioner and his family members themselves were creating hindrance in release of tubewell connection, from “Keerian Feeder”. As per estimate of the respondent department, tubewell connection of the petitioner was sanctioned from Keerian Feeder. As and when officials of the department would go at the site for release of tubewell connection in favour of the petitioner, his family members and petitioner himself would not permit them to release it. They would, on the other hand, insist that their tubewell connection should be released from “Kandi Feeder”(24 hours feeder).

In the abovesaid background of the case, respondent No.4 reconsidered the matter, in compliance of the directions issued by this Court vide order dated 12.7.2016. After considering the relevant factors, respondent No.4 rejected the representation of the petitioner, by passing the impugned order (Annexure P-6). The relevant part of the impugned order, which deserves to be noticed here, reads as under:-

“It is pertinent to mention here that connection of Sh. Tara Singh falls under Sarna Sub Division of PSPCL but Sh. Tara Singh wants to obtain electric connection from 24 Hours Azizpur Kandi feeder which is at a more distance from the spot where electric connection in question is to be installed. As per instructions of the department present tube well electric connection cannot be issued to Sh. Tara Singh from 24 Hours Azizpur Kandi feeder and this is another reason that Sh. Tara Singh himself did not allow officials of PSPCL as well as contractor to install tube well electric connection in his land on 21.7.2016. Vide memo No. 828

dated 21.7.2016 even report was made by officials of PSPCL to SHO, PS Sujanpur, regarding creating hindrance by Sh. Tara Singh & his family members in the official work of PSPCL. So at present if any hindrance is being created in installation of tube well electric connection in question, it is Sh. Tara Singh and his family and no other person. Employees of PSPCL are always ready to install electric connection in question in land of Sh. Tara Singh as per law and as per rules and regulations of department, provided Sh. Tara Singh & his family members allows them to install tube well electric connection in question as per revised estimate. It is worth noting here that when tube well electric connection is provided to Sh. Tara Singh from "Keerian Feeder" as per revised estimate dated 21.7.16 then electric poles pass through land of Sh. Tara Singh and there is no objection to other farmers of the area in installation of electric line in question.

"It is ordered that since Sh. Tara Singh himself and his family members are creating hindrance in erection of electric line required for installation of tube well electric connection because demand of Sh. Tara Singh is to provide his Tube Well Electric Connection from 24 Hours Feeder (Kandi Feer) which cannot be met as per law and as per rules of the department, as such claim of Sh. Tara Singh vide representation dated 16.5.2015 has got no

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merit.”

During the course of hearing, when confronted with the abovesaid factual aspect of the matter obtaining on record, learned counsel for the petitioner had no answer and rightly so, it being a matter of record. In this view of the matter, respondent No.4 committed no error of law, while passing the impugned order and the same deserves to be upheld for this reason also. Further, no prejudice of any kind, whatsoever, has been pointed out by learned counsel for the petitioner, which might have been caused to the petitioner by passing of the impugned order, warranting interference at the hands of this Court, while exercising its writ jurisdiction under Articles 226/227 of the Constitution of India.

No other argument was raised.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned, this Court is of the considered view that instant writ petition, being wholly misconceived, bereft of merit and without any substance, is not worth acceptance which is liable to be disposed with appropriate directions.

Should there be any confusion, it is clarified that petitioner is at liberty to get his electric tubewell connection released from Keerian Feeder, wherefrom the electric tubewell connection already stands sanctioned. Accordingly, the respondent authorities shall also be duty bound to release the already sanctioned tubewell connection in favour of the petitioner from “Keerian Feeder”. Since the demand of the petitioner for providing him tubewell connection from 24 hours feeder (Kandi Feeder) has not been found feasible by the experts of the department, neither this Court has found any justification to replace the expert opinion by its general opinion, nor the

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petitioner has been found entitled for release of his electric tubewell connection from Kandi Feeder.

However, if the petitioner would move an appropriate application, alongwith his affidavit, for release of the already sanctioned electric connection for his tubewell from Keerian Feeder, said application shall be considered and accepted by the competent authority, ensuring release of electric tubewell connection within a period of one week from the date of receipt of such application.

Resultantly, with the abovesaid observations made and directions issued, present writ petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

11.11.2016
Ak Sharma

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No