

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 21282 of 2013
Date of decision : July 13, 2017

Punjab State Power Corporation Ltd. through Chairman through
Deputy Chief Engineer, PSPCL, Faridkot

..... Petitioner

Versus

Permanent Lok Adalat, Public Utility Services, Faridkot and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Jaswinder Singh Randhawa, Advocate
for the petitioner.

RAKESH KUMAR JAIN, J (oral).

This petition is filed against the order dated 27.2.2013 (Annexure P-1) passed by Permanent Lok Adalat (Public Utility Services), Faridkot whereby application filed by the predecessor-in-interest of Sham Singh under Section 22-C of the Legal Authorities Act, 1987 has been allowed and a direction has been issued to deposit Rs.8,000/- with the PSPCL for putting the HT and LT lines into cable point A to Point A1 shown in red in the site plan Mark X6.

In this case, counsel for the petitioner has submitted that Sham Singh had expired after notice was issued in this case and the petitioner impleaded legal representatives of Sham Singh who were served and on 21.4.2017 following order was passed:-

“Mr. Randhawa has shown copy of dasti summons taken to effect service upon legal representatives of respondents which reflect that they refused to accept service. Copy of the same has been taken on record.

Registry is directed to make a report thereof.

To come up for arguments on 13.7.2017.”

Counsel for the petitioner has submitted that the petitioner has not denied to shift the high tension wire but made an assessment of Rs.61,194/- for shifting the lines from point A1 to Point A2. The said amount has been decreased by the Permanent Lok Adalat to Rs.8,000/- only on the ground that the said distance from point A1 to point A2 is 120 meter whereas the house of the respondent is not extended to that length. It is submitted that the line has not to be shifted only pertaining to the house of the respondents rather the entire line has to be shifted, therefore, the approach of the Permanent Lok Adalat is patently erroneous. It appears that Permanent Lok Adalat has considered that it is the high tension wire hanging on the house of Sham Singh which has to be shifted whereas the entire line has to be shifted under which the house of the respondent-Sham Singh would also come.

In this view of the matter, I am of the considered opinion that the order of the Permanent Lok Adalat is illegal and un-reasonable and is hereby set aside. Direction is issued that in case, legal representatives of Sham Singh deposit the assessed amount of Rs.61,194/- for the purpose of shifting of line from point A to A1 as shown in red in site plan Mark X6 then the same may be shifted by the petitioner accordingly.

The writ petition stands disposed of.

(RAKESH KUMAR JAIN)
JUDGE

July 13, 2017
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