

221-8

CWP-18522-2016

Date of Decision : 30.05.2017

Mohinder Kaur and others

.....Petitioners

versus

State of Punjab and others

....Respondents

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. M.S. Dhami, Advocate
for the petitioners.

Mr. Inder Pal Goyat, Addl.A.G., Punjab
for respondents No. 1 to 4.

Mr. I.S. Sidhu, Advocate
for respondent No. 5.

M.M.S. BEDI, JUDGE (ORAL)

Petitioners, through the instant writ petition have sought quashing of order Annexure P-4 dated 04.02.2015 passed by respondent No. 1, Deputy Commissioner to provide police help for felling/cutting the trees from the land of the petitioners.

The grievance of the petitioners is that without paying compensation to them, the chopping or felling of trees for installation of Towers and High Transmission Lines has been permitted to respondent No. 5. In a separate connected case CWP No. 9028 of 2016, the claim of respondent No. 5 - Transmission Company has been decided safeguarding the rights of various land owners who are affected by the cutting of trees.

Learned counsel for the petitioners has vehemently contended that the petitioners have not been paid compensation.

Though the petitioners have got a statutory right to claim

any compensation by filing an application for compensation under Section 16 (3) of the Indian Telegraph Act, 1885 but the petitioners do not specifically make any averment in the petition regarding claim having been filed.

Counsel for respondent No. 5, on the other hand, informs that two sons of petitioner No. 1 have already been granted compensation. This fact has been disputed by learned counsel for the petitioners.

Since disputed question of fact has been raised, without expression of any opinion on merits, in the interest of justice, this petition is disposed of with a direction that petitioners may avail the alternative remedy of claiming compensation/enhanced compensation for the loss caused, on account of erection of the Tower and High Transmission Lines using the land of the petitioners. In case, there is any dispute regarding apportionment, respondents are directed to reconsider the claim of the petitioners by passing a speaking order which will be subject to the statutory remedy available to the petitioners, in accordance with law.

(M.M.S. BEDI)
JUDGE

30.05.2017

Neha

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No