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

**CWP-21540-2015 (O&M)
Date of decision : 01.02.2017**

Manjeet Singh and another

... Petitioners

Versus

Deputy Commissioner and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Nonish Kumar, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Advocate
for respondent No.1.

Mr. R.K.S Brar, Advocate
for respondent Nos.2 and 3.

Mr. B.S. Bedi, Advocate
for the respondent Nos.4 to 9/applicants.

AMIT RAWAL, J. (ORAL)

CM-16074-2015

Prayer in this application under Order 1 Rule 10 CPC read with
Section 151 of the Code of Civil Procedure is for impleading the following
applicants as respondent Nos.4 to 9:

- i) *Gram Panchayat, Village Ruksana through its Sarpanch
Jaswant Singh son of Teja Singh, resident of Village
Ruksana, Tehsil Asandh, District Karnal;*
- ii) *Dalwinder Singh, Ex. Sarpanch son of Gurnam Singh;*
- iii) *Surat Singh son of Kundan Singh;*
- iv) *Darshan Singh son of Tarlok Singh;*
- v) *Sher Singh, Nambardar; and*
- vi) *Jodh Singh, Ex Sarpanch son of Anokh Singh.*

For the reasons stated in the application which is duly supported by an affidavit, the application is allowed and the aforementioned applicants are ordered to be impleaded as respondent Nos.4 to 9.

CM stands disposed of.

CWP-21540-2015 (O&M)

Learned counsel appearing on behalf of the petitioner submits that respondent No.1 acting on the complaint of respondent Nos.4 to 9/Gram Panchayat, directed respondent No.3/Sub-Divisional Officer, Urban, Nissing, District Karnal, for disconnection of the electricity supply to the petitioner.

He submits that the Gram Panchayat had at earlier point of time initiated the proceedings under the Public Premises Act, which were rejected upto this Court as it is evident from order dated 04.12.1990 (Annexure P-1) passed in CWP No.3021 of 1988 and the order dated 17.12.1997 (Annexure P-4) passed in LPA No.1265 of 1990 and now again, owing to the amendment caused in 1967, has availed the remedy.

This fact is not disputed by Mr. Sandeep Singh Mann, Mr. R.K.S Brar & Mr. B.S. Bedi, learned counsel appearing on behalf of respondent No.1, respondent Nos.2 & 3 and respondent Nos.4 to 9, respectively.

Since the remedy of eviction has been availed, I am of the view that the procedure adopted by the complainant(s) in submitting the complaint to the Deputy Commissioner, is wholly uncalled for and it tantamounts to withdrawing the amenities being enjoyed. Even a trespasser has a right to enjoy the amenities in case of long and settled possession, but can be dispossessed except in due course of law.

The aforementioned finding of mine are fortified from the *ratio decidendi* culled out by the Hon'ble Supreme Court in **“Rame Gowda (D) by LRs V/s Mr. Varadappa Naidu (D) by LRs and another” 2004 (1) SCC 769.**

So long so the proceedings are pending, I am of the view that the order under challenge is not sustainable and the same is hereby set aside.

Electricity connection will continue subject to the outcome of the proceedings initiated under the Public Premises Act, but this will not prevent the petitioners in not paying consumption charges.

With the aforesaid observations, the present writ petition stands disposed of.

01.02.2017
Yogesh Sharma

(AMIT RAWAL)
JUDGE

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**