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

CWP-22448-2015

Date of decision : 03.05.2017

Executive Engineer, Public Health Engineering, Division
No.3, Sirsa (State of Haryana)

... Petitioner(s)

Versus

Bharat Sanchar Nigam Ltd. Sirsa and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Rajbir Singh, AAG, Haryana.

AMIT RAWAL, J. (ORAL)

The petitioner is aggrieved of the order dated 17.04.2015 (Annexure P-4) passed by respondent No.2/Lok Adalat Sirsa, whereby the petitioner has been directed to make payment of ₹ 7,500/- to respondent No.1, on account of damaging the optical fibre cable for the purpose of laying down the underground water pipelines.

The contention of the petitioner is that the remedy for the complainant to file the normal civil suit, but not in the manner and mode, indicated above, as further no conciliation proceedings have been effected. It was a disputed question of fact, which could not have been decided by the Lok Adalat. All these objections were taken, but have not taken care of.

On the contrary, it is a case of the Bharat Sanchar Nigam Ltd. Sirsa/respondent No.1 that notices were served upon the Department which have been accepted through the receipt, whereas the damages have been

claimed with regard to the damage to the optical fibre cable worth ₹ 7,500/- . The Department has not denied the receipt of the legal notice, but it has been stated that contents of the notice were vague and therefore, did not deem it appropriate to submit the reply. The laying down of the underground pipe-lines is also a conceded position on record.

Keeping in view the aforementioned facts, in my view, in such cases, once everything is admitted, there is no need for the complainant to approach the Civil Court for claiming damages, much less, no documentary evidence i.e. guidelines etc., has been placed on record for laying down the underground pipelines, in essence, whether any survey was done or not. All these factors have been taken into consideration, thus, in my view, the order/award passed by the Lok Adalat is perfectly legal and justified, much less, do not call for interference and cannot fall within the ambit of 'Judicial Review'.

No ground is made out for interference.

Dismissed.

03.05.2017

Yogesh Sharma

**(AMIT RAWAL)
JUDGE**

✓

Whether speaking/reasoned **Yes/ No**

✓

Whether Reportable **Yes/ No**