

CWP No.21800 of 2017

[1]

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

**CWP No.21800 of 2017
Date of decision:26.09.2017**

Kuldeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

Coram: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Lalit Singla, Advocate,
for the petitioner.

Rakesh Kumar Jain, J.

The petitioner has challenged the letters dated 04.01.2017 and 14.08.2017 issued by the Punjab State Power Corporation Limited (hereinafter referred to as the "Corporation"), by which certain conditions have been imposed upon the petitioner for grant of AP T/W electricity connection under the Chairman Quota.

Counsel for the petitioner has submitted that he had applied for electric tube-well connection vide application No.22461 dated 19.02.2013 under the Chairman Quota and deposited ₹3,000/- and further deposited ₹41,000/- as a fee for extension of load from 15 to 20 BHP. It is alleged that the connection was allegedly approved on 04.11.2016. However, the petitioner was asked on 14.12.2016 to submit the requisite documents and he allegedly made the further deposits on 16.12.2016. It is further submitted that the work of installation of tube-well etc. was completed in time, however, the Corporation, vide impugned letter dated 04.01.2017, has asked the petitioner that the land on which the petitioner has dug the bore-well is of joint khewat,

on which there is a family dispute going on in the Court, therefore, the petitioner was informed either to get the connection installed in the land which is exclusively owned by him or to obtain 'No Objection' from his brothers with whom he has the dispute/litigation.

Vide another letter dated 14.08.2017, the petitioner was again informed in this regard to take immediate steps so that further action could be taken in respect of release of electricity connection.

Inspite of complying with the aforesaid two impugned letters, this petition has been filed by the petitioner and reference has been made to Clause 3.3 of the Electricity Supply Instructions Manual to contend that if he is unable to produce the consent of the other co-sharers for availing electric connection, he shall have to indemnify the Corporation in the prescribed form against any action brought by the other co-sharers against the Corporation for release of connection.

Counsel for the petitioner has submitted that he is ready and willing to indemnify the Corporation in the prescribed form against any action, which may be brought in respect of the electric connection to be installed in the name of the petitioner, and submitted that the impugned letters are patently erroneous and misconceived and deserve to be set aside.

I have heard learned counsel for the petitioner and examined the available record with his able assistance.

There is no dispute that the petitioner is not exclusive owner of the land in question, which is still joint and his brother had already got registered FIR No.281 dated 19.06.2009 against the father of the petitioner in Police Station Sadar, Patiala, with regard to the dispute of tube-well connection

bearing A/c No.G-3/1407 of 25 HP, installed in Khewat No.160, Khatauni No.250, Khasra No.67//15 (8-0), in which his father has been convicted by the Court of JMIC, Patiala and his conviction has been upheld by the First Appellate Court. However, his father has filed Criminal Revision No.3187 of 2016 titled as “Dilbagh Singh vs. State of Punjab”, which is pending in this Court. It is also not in dispute that the partition proceedings are also pending in respect of the land in question, which has reached upto the Court of Financial Commissioner where ROR No.484 of 2013 is pending.

Clause 3.3 of the Electricity Supply Instructions Manual clearly provides that the applicant has to produce documentary evidence to show that he is the lawful owner or occupier of the premises wherein he wants the connection to be released and if he is a tenant or a lease holder and is unable to produce the consent of the owner/landlord for availing electric connection, then he should indemnify the Corporation against any legal action, which may be initiated at the instance of the landlord.

The respondents, by way of the impugned letters, have only asked the petitioner to prove that he is the lawful owner of the land in question, which is still joint because if the connection is released in his favour and tomorrow in the partition proceedings, if the land goes to the share of the other co-sharer, then the other co-sharer may initiate any legal action against the Corporation, therefore, to avoid that unsavory situation, the respondents have asked the petitioner to obtain 'No Objection Certificate' from the other co-sharers for installation of the electric connection in a particular piece of land which is still joint and it is nobody's guess as to who would get the said piece of land in partition. It is well settled law that every co-sharer is owner of every

inch of joint land until and unless it is partitioned.

In view of the above, I do not find any illegality or irregularity on the part of the respondents in serving upon the petitioner the impugned letters dated 04.01.2017 and 14.08.2017 and hence, the present petition is hereby dismissed, being denuded of any merit, though without any order as to costs.

September 26, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No