

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

(1) CWP-9028-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

State of Punjab and others Respondents

(2) CWP-10885-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and others Respondents

(3) CWP-10930-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and others Respondents

(4) CWP-10946-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and othersRespondents

(5) CWP-10976-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and others Respondents

(6) CWP-10996-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and othersRespondents

(7) CWP-14247-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and othersRespondents

(8) CWP-10997-2016
Date of Decision : 30.05.2017

Parbati Koldam Transmission Company Ltd.Petitioner

versus

Deputy Commissioner and othersRespondents

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

Present: Mr. I.S. Sidhu, Advocate
for the petitioner.

Ms. Anu Pal, Asstt.A.G., Punjab.

Mr. M.S. Dhami, Advocate
for respondents No. 4 and 5 (CWP-9028-2016).

Mr. Rajesh Sethi, Advocate and
Mr. Arun Biriwal, Advocate and
for respondent No. 4 (CWP-10930-2016 and
CWP-10976-2016).

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

These eight petitions have been filed by petitioner which is

an Electricity Transmission Company running business under the name and style of Parbati Koldam Transmission Company Limited.

Through instant petitions, a writ in the nature of *mandamus* has been sought against official respondents No. 1 to 3 to ensure cutting of trees in 46 metre corridor of the High Tension Transmission Lines as already ordered by the Deputy Commissioner/District Magistrate, Shaheed Bhagat Singh Nagar on the report of Sub-Divisional Magistrate-cum-Tehsildar, Balachaur to be executed with the help of respondent No. 2, the Senior Superintendent of Police, Shaheed Bhagat Singh Nagar, Punjab for smooth and uninterrupted supply of Electricity power by evacuation from Parbati Koldam in Himachal Pradesh to Ludhiana in State of Punjab. There is no dispute regarding the petitioner being licensee for inter-state transmission of electricity having licence under the Electricity Act, 2003 for the States of Himachal Pradesh and Punjab.

In the reply filed on behalf of respondents No. 1 to 3, it has been pleaded on behalf of respondent No. 2 that necessary police help during cutting of trees by the District Administration, SBS Nagar would be provided. So far as the claim of private respondents No. 4 and 5 in CWP No. 9028 of 2016 is concerned, counsel for respondents No. 4 and 5 have submitted that other similarly circumstanced private respondents have filed reply in CWP No. 10930 of 2016 and that the plea taken up in the said written statement by the private respondents may be considered as the plea of the private respondents. The conditions of the licence of

the petitioner-Company have been admitted but the plea has been taken that some trees which are prematurely cut by the petitioner, the respondents are entitled for the compensation. The petitioner-Company is further threatening to chop of remaining trees which are growing on 200 metres on either side. The main grievance of the private respondents is that without offering compensation, the erection of towers is being undertaken.

After hearing learned counsel for the petitioner and counsel for the respondents, it transpires that the petitioner Company has deposited compensation for afforestation as well as for compensation for the loss caused to the private parties. I have taken into consideration the legally enforceable right of the petitioner which would fall under Article 19 (1) (g) of the Constitution of India and would be in public interest.

The petitions are allowed. It is ordered that respondents No. 1 to 3 would render necessary assistance as undertaken in the reply but subject to the condition that all the parties, likely to be affected, are compensated in accordance with law, without prejudice to the rights of the individual respondents to seek enhancement of the compensation or for any other relief permissible under law.

(M.M.S. BEDI)
JUDGE

30.05.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No