

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

CWP No. 6715 of 2017

Date of decision: 30.3.2017

Gram Panchayat Kharekan Circle

Petitioner

vs.

Dakshin Haryana Bijli Vitran Nigam and others

Respondent

Present: Mr. Balsher Singh, Advocate.

M.M.S.BEDI,J.

For the welfare of the villagers of Village Kharekan, Gram Panchayat Kharekan Circle had passed a resolution agreeing to permit the user of the land of the Gram Panchayat by the DHBVN for providing 24 hours uninterrupted supply of electricity to Village Kharekan.

Through the instant writ petition, the petitioner Gram Panchayat seeks a writ in the nature of mandamus directing the respondents to provide electricity supply from urban feeder, as per the instructions of the DHBVN by conversion of feeding source from rural to urban feeder. Since the writ petition involves debatable issues regarding enforceable legal rights of the petitioner under the statute or contractual obligation, it will not be prudent to adjudicate upon the rights of the petitioner in the writ jurisdiction. Counsel for the petitioner, however, submits that representations (Annexure P-4 and P-5) have been made to Deputy Commissioner, Sirsa and Superintending Engineer, OP Circle, DHBVN, Sirsa for implementation of the resolution of the Gram Panchayat dated 28.11.2007. It would be in the interest of villagers of Village Kharekan, if a direction is issued to Deputy Commissioner and

Superintending Engineer, OP circle, DHBVN, Sirsa to consider representations Annexure P-4 and P-5.

Without expression of any opinion regarding the maintainability of the writ petition, I deem it appropriate in the interest of the villagers, to issue a direction to the Deputy Commissioner, Sirsa and Superintending Engineer, OP Circle, DHBVN, Sirsa to consider representations Annexures P-4 and -5, in the light of the provisions of the Electricity Act and the regulations made there under and to pass a speaking order within a period of three months after the receipt of a certified copy of this order and intimate the decision taken regarding the implementation of the resolution dated 28.11.2007 passed by the Gram Panchayat,Kherekan. Ordered accordingly. It will be the duty of the petitioner to supply a copy of the order to the concerned authorities.

March 30. 2017	(M.M.S.BEDI)
TSM	JUDGE
Whether speaking/ reasoned	Yes/ No
Whether Reportable	Yes/ No