

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

CWP-17335-2017 (O&M)
Date of decision : 04.09.2018

Swaran Singh

...Petitioner(s)

Versus

Punjab State Power Corporation Ltd. and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Amit Aggarwal, Advocate,
for the petitioner.

Mr. Abhilaksh Grover, Advocate,
for respondent Nos.1 to 4.

Mr. Gaurav Goel, Advocate,
for respondent Nos.5 to 7.

JITENDRA CHAUHAN, J.

Prayer in the instant writ petition filed under Articles 226/227 of the Constitution of India, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing order dated 21.07.2017 (Annexure P-13), passed by respondent No.2, whereby, the electricity connection has been ordered to be allowed to the petitioner through the land owned by him, which is not feasible as the electricity poles cannot be installed beneath high tension electric line of 11000 KVA.

It is the case of the petitioner that he applied for electricity connection for which the Electricity Department proposed two routes, viz. routes 'A' and 'B'. While route 'A' was passing through the land of respondent Nos.5 and 6, whereas, route 'B' was crossing over the land of

one Amanjot Kaur. Respondent Nos.5 and 6 filed civil suit for restraining the Electricity Department from taking the electricity line through their land. Initially, injunction was granted to them. In the meantime, the petitioner approached District Consumer Disputes Redressal Forum against the Electricity Department, alleging deficiency in service for not providing them the electricity connection. The said application was allowed by the Forum which was challenged by respondent Nos.5 and 6 by way of appeal before the State Consumer Disputes Redressal Commission, wherein, stay was granted. On the other hand, injunction granted in the civil suit in favour of respondent Nos.5 and 6 was dismissed, who filed miscellaneous appeal against the said order, which was also dismissed. During the pendency of the lis before the State Consumer Disputes Redressal Commission, respondent Nos.5 and 6 approached this Court by way of writ petition alleging therein that they have made a representation to the Electricity Department for not taking the electricity line through their land but the said representation was not being decided. The writ petition was disposed of by this Court with a direction to the respondents therein to decide the representation in accordance with law. In the meantime, the appeal preferred by respondent Nos.5 and 6 before the State Consumer Disputes Redressal Commission was dismissed, thus, the order passed by the District Consumer Disputes Redressal Forum became operative.

The grouse of the petitioner is that respondent No.2, while ignoring the order passed by the Consumer Forum, has passed the impugned order dated 21.07.2017 (Annexure P-13) directing that the electricity line would be taken through the land of the petitioner by erecting poles. It is

submitted that respondent Nos.5 and 6 have no right or authority to obstruct supply of electric connection to the petitioner from their land especially, when transformer is already installed there. Moreover, electricity poles cannot be erected beneath the high tension electric line of 11000 KVA passing through the fields of the petitioner. The authorities cannot be restrained by respondent Nos.5 and 6 from erecting electric poles and laying the wires through their fields and they can only avail the remedy of seeking compensation.

On the other hand, learned counsel for respondent-Corporation submits that there is no provision that electric lines cannot be erected beneath the high tension lines of 11000 KVA except for certain conditions which would be followed at the time of release of connection. There is another transformer already installed near the fields of the petitioner from where the new line is proposed to be laid.

Heard.

It is to be seen that the petitioner would be the sole beneficiary of the connection in question. The competent authority has reached to the conclusion that the connection can be released by erecting poles in his fields for laying 11 KV line. Learned counsel for the petitioner has failed to show that the private respondents in any way are going to be benefitted by the connection, therefore, it would be wholly unjustifiable if the electricity line is laid through their land, especially, when the 11 KV line can be installed in the fields of the petitioner. Moreover, the respondent-Corporation, being the service-provider, is well within its rights to determine the suitability of the route/transformer, from which the electric

connection is to be released. In the absence of any document in support his assertion, learned counsel has also failed to make out a case that the electric line could not pass beneath the 11000 KVA high tension lines.

In this view of the matter, this Court does not find any merit in the instant writ petition, which is hereby dismissed.

04.09.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No