

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

**CWP No. 25299 of 2018
Date of Decision: 20.11.2018**

Savita Devi and others

...Petitioners

Vs.

The Hry. Vidyut Prasaran Nigam Limited and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Neeraj Gupta, Advocate
for the petitioners.

Mr. Deepak Manchanda, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (Oral)

1. Counsel for the petitioner relies on the judgment of the Division Bench of the High Court of Himachal Pradesh in CWP No. 2454 of 2018 in Madan Lal Vs. State of Haryana and others decided on 22.10.2018. The Division Bench held that even if Government land is occupied un-authorizedly or illegal constructions have been raised without approval of the authority even though, ordinarily the Court would be reluctant to grant relief to the person as encroacher and buildings constructed without sanctioned plan. That apart the question was whether basic amenities of water and electricity should be made available as an integral part of right to life within the purview of Article 21 of the Constitution of India.

2. The person such as Madan Lal should be provided water

and electricity subject to payment of requisite charges. The High Court, therefore, made an approval for interim and ad hoc arrangement for release of water and electricity connections. The petitioner or his family or his successors will not be entitled to claim benefit of water and electricity connections on the principle of possession of the property. In the present case, the title is not disputed but the constructions are not authorized. Law will take its course

3. The petitioners in the present case are paying house-tax to the Municipality. It is said that Haryana Government has regularized 53 illegal/unauthorized colonies in Karnal recently. The present colony also falls in the area of Karnal. Mr. Dharam Suhag, XEN. City UHBVNL, Karnal is present in court and states that there will be no hindrance in supplying electricity connections to the nearby flying club.

4. Accordingly, the petition is allowed and a direction is issued to the Nigam to provide electricity connections to the petitioners after they deposit all sundry charges and as and when paper formalities are completed where files are lying dormant they be activated and connections granted.

(RAJIV NARAIN RAINA)
JUDGE

20.11.2018

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*