

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 2934 of 2018 (O&M)

Date of Decision: 19.03.2018

GIAN SINGH

.....Petitioner

V/S

HARYANA VIDYUT PRASARAN NIGAM LTD. AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

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

Mr. Vishal Garg, Addl. A.G., Haryana.

RAKESH KUMAR JAIN, J. (Oral)

The whole controversy in this case is in regard to installation of tower which is going to be erected by respondent No. 1 in the land of the petitioner which is depicted on the site plan attached as Annexure P-3.

At the time of notice of motion was issued, following order was passed by this Court: -

“The matter pertains to the erection of the transmission lines over the agricultural land of the petitioner.

Learned counsel for the petitioner has referred to a site plan (Annexure P-3) to contend that the petitioner is having 6-7 acres of land. It is submitted that the petitioner is not averse to the installation of poles/erection of the transmission lines but has prayed that if the proposed poles were erected on the vacant Panchayat land then his 4 acres of land would be saved. It is submitted by him that the respondents may lay down the transmission line in Khasra

No.21//22/2, 21//23 instead of 32//9, 33//3. It is also submitted that the petitioner was not served with any notice, therefore, he could not file the objections before filing the writ petition but now it is alleged that the objections have also been filed.

Notice of motion for 15.2.2018.

Dasti.”

Learned counsel for the petitioner has submitted that he is not trying to cause any kind of impediment in the laying down of the transmission line but his prayer is only that two towers which are going to be installed in Khasra No 32//9 and 33//3 may be taken through his land falling in Khasra No. 21//22/2, 21//23 so that a compact block of 4 acres of land of the petitioner may be saved.

On this premise, notice was issued by this Court to the respondents to find out as to whether the prayer made by the petitioner could be granted.

Learned State counsel, while referring to the site plan, has submitted that the respondents, in order to help the petitioner, have looked into each and every aspect but the prayer made by the petitioner cannot be accepted by the respondent because from the tower which is to be installed in Khasra No 32//9 and 33//3, another line would be installed which otherwise cannot be installed if it is shifted to Khasra No. 21//22/2, 21//23.

I have also perused the site plan produced before me by the respondents in this regard and after hearing learned counsel for the parties, I do not find any reason to interfere in this petition for the purpose of granting

the prayer made by the petitioner. Hence, the petition is dismissed though without any order as to costs.

March 19, 2018
Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

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