

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

115

CWP-1962-2019

Date of Decision: 24.01.2019

Chet Ram

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Sanya Sapra, Advocate for
Mr.Sandeep Sharma, Advocate
for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

TEJINDER SINGH DHINDSA.J.

As per pleadings on record, the State of Haryana acquired the agricultural land of the petitioner vide award No.4 dated 27.01.2006. The acquisition was for setting up of an industrial complex to be planned and developed as Special Economic Zone, Phase-I in village Mohmmadpur Jharsa, Tehsil and District Gurgaon. It has been averred that prior to the land having been acquired, there was an electricity connection on such land in the name of father of the petitioner and which was being used for agriculture purpose. Having received the compensation amount, petitioner has purchased land in village Dhola, District Gurugram.

The instant writ petition has been filed seeking issuance of a writ of mandamus for directing concerned respondent/authorities under the State of Haryana to provide and to release to the petitioner an electricity connection for agriculture purposes in the land that he has now purchased in village Dhola, District Gurugram. Further, prayer is for issuance of a writ of certiorari for quashing a Notification dated 01.02.2017 (Annexure

P-7) and which contains certain restrictions as regards the release of tube-well connection in notified areas.

Insofar as the first prayer for release of electricity connection, counsel has placed reliance upon a Notification dated 09.01.2010 (Annexure P-6) that has been notified by the Haryana Government, Revenue and Disaster Management Department.

Clause 12 of such notification reads as follows:-

“Electricity Connection under agriculture category

Wherever the landowner has installed one or more tube-wells with an electricity connection sanctioned on agricultural tariff, and portion of the land whereupon such tube-well is installed is acquired, he would be entitled to alternate tube-well connection(s) in this category either in this un-acquired land or over the agricultural land that he may purchase elsewhere in the State within a period of two years of the Award. The alternate connection would be provided within a period of three months of his application to this effect.”

As per Clause 12, a right is vested with a land owner who has already installed one or more tube-wells with an electricity connection sanctioned on agricultural tariff to be released an alternate tube-well connection in the eventuality of acquisition, upon the un-acquired land or upon agricultural land that he may purchase elsewhere but with the proviso that such purchase is effected within a period of two years from the date of passing of the award. It is a case of the petitioner himself that his land had been acquired vide award dated 27.01.2006 and the purchase of the alternate land as also the application for release of an electricity connection for agricultural purposes was made beyond stipulated period of two years.

Under such circumstances, the reliance placed by the petitioner upon Notification dated 09.11.2010 (Annexure P-6) is wholly misplaced.

Petitioner has then laid the challenge to the circular issued vide Memo dated 01.02.2017 (Annexure P-7) issued by Dakshin Haryana Bijli Vitran Nigam. The notification provides that release of tube-well connection would be subject to instructions of the Agricultural Department as regards not permitting additional tube-well in the prohibited/Dark Blocks. Apparently, the Central Ground Water Authority has issued guideline/criteria for evaluation of proposals/requests for ground water abstraction in the Notified Areas. Such areas where the ground water level has dropped/depleted find a mention in the impugned circular itself.

The land that has now been purchased by the petitioner and over which the electricity connection is sought to be released concededly falls within a notified area/Dark Block. The interest of the petitioner has to be sub-servient to public interest as sought to be protected in terms of issuance of circular dated 01.02.2017 (Annexure P-7). No infirmity is found in the impugned circular.

There is no merit in the writ petition and the same is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

24.01.2019

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |