

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGRH

Letters Patent Appeal No.13 of 2019 (O&M)

Date of Decision: 13.02.2019

Karam Singh

..Appellant

Versus

Union of India and others

..Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE.**

Present : Mr. Nonish Kumar, Advocate, for the appellant.

KRISHNA MUMARI C.J. (oral)

CM No. 13 of 2019

Heard. For the reasons mentioned in the application, delay of 17 days in filing the appeal is condoned. Application stands disposed of.

LPA No. 13 of 2019

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order of the learned Single Judge dated 31.10.2018 filed by the appellant herein claiming compensation in pursuance to the policy guidelines dated 15.10.2015 issued by the Government of India regarding payment of compensation towards 'damages' as stipulated in Sections 67 and 68 of the Electricity Act, 2003 read with Sections 10 and 16 of the Indian Telegraph Act, 1885, for use of the land establishing transmission lines.

2. The claim made by the appellant-petitioner seeking such compensation was rejected vide order dated 17.10.2017 on the ground that compensation for damages caused at the time of erection of tower was paid

to Ishwar Singh and Madan Lal sons of Mukhtiar Singh, real brothers of the appellant-petitioner on 12.12.2014 . Since the claim of the appellant-petitioner was that after partition the land fell in his share, thus he was entitled to receive the compensation. In so far as the claim in view of the guidelines framed by the Government of India is concerned, the same was rejected on the ground that the State of Haryana has not yet adopted the said guidelines.

3. In view of the fact that the compensation was paid to the brothers of the appellant-petitioner, who were admittedly in possession of the land at that time, which was utilized for erecting of transmission lines and if subsequently the same land came in possession of the appellant-petitioner by way of partition between the co-sharers it would not entitle him to claim compensation which already stands paid to his co-sharers. Accordingly the claim of the appellant-petitioner to claim compensation was not tenable. Even the appellant-petitioner has rightly been non-suited by the learned Single Judge on the above ground.

4. Thus, we find no illegality in the view taken by the learned Single Judge and the impugned order does not require any interference. The appeal accordingly fails and stands dismissed in limine.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

13.02.2019
parkash/ravinder

Whether speaking/non-speaking: Speaking
Whether reportable : Yes/No.