

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

**CR No. 310 of 2020 (O&M)
Date of Decision: 17.01.2020**

Nakul Singh

....Petitioner

Versus

SDO (Construction) Uttar Haryana
Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parminder Singh, Advocate
 for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ANIL KSHETARPAL, J. (ORAL)

On 16.01.2020 after hearing learned counsel for the petitioner,
following order was passed:-

“There can hardly be an interim injunction against the Uttar Haryana Bijli Vitran Nigam Limited (UHBVNL) to change the alignment of high tension electricity lines passing over killa No.6 where the plaintiff-petitioner has obtained 'Change of land use' (CLU) from the Government of Haryana to construct the rice mill. The construction has not yet started with CLU granted vide order dated 18.11.2019 passed by Senior Town Planner, Panchkula Circle, Panchkula. The petitioner submits that he has contributed land to the Gram Panchayat for widening of the road leading to the proposed rice mill by way of a gift deed executed and registered on 4.9.2019 to comply with the directions of the State for construction of the rice mill over agricultural land. If the petitioner gifted his land, it was for a personal end to promote his project. The petitioner has other land as the CLU covers 29K-12M in village Karlon, Tehsil Ghraunda, District Karnal. Killas No.6 comprises of 6K-16M and falls beneath the proposed transmission lines.

To understand whether the Town and Country Planning Department, Haryana, consulted UHBVNL regarding proposed high tension wires before it granted CLU, Mr. Saurabh Mohunta, DAG Haryana, present in the Court would obtain instructions from the department/s concerned on the next date of hearing. Learned counsel for the petitioner to supply a copy of the paper book to him during the course of the day.

Drawings of the proposed transmission lines be produced after tying up with UBVNL. UHBVNL is a respondent in this petition. Notice is not issued at this stage, in view of the above directions. This is for the reason that the UHBVNL is agent of the State and can supply its record and drawings through office of the Advocate General, Haryana.”

In post lunch session, learned counsel for the respondent had appeared and pointed out that no permission to Change the Land Use in favour of the petitioner has been granted and the petitioner only has a “no objection certificate.” On the basis of the aforesaid submission, following order was passed:-

“After some time on receipt of a copy of the petition, Mr. Mohunta has made a mention to explain from the petition which is as follows.

Mr. Mohunta has pointed out from the petition itself that the order which the petitioner claims to be for grant of 'CLU' is infact only a 'NOC' (No Objection Certificate) for setting up of a rice mill over his land. Therefore, it is not a case of CLU by the department of Town and Country Planning, Haryana, which has passed through the established procedure for such grants.

Mr. Mohunta submits that this is a case of copyblogging, which he explains that a person has something in mind that juxtaposes that word with something else which does not actually mean the same. The petitioner has juxtaposed the word 'CLU' with 'NOC', whereas word 'CLU' as such is not there in the order dated 18.11.2019 passed by Senior Town Planner, Panchkula Circle, Panchkula, granting NOC to the petitioner.

I did not propose to issue notice of motion but to have information to confirm whether CLU had been granted by the Government of Haryana and had requested Mr. Mohunta to tie up with the department and make a statement as to whether the assertion was correct.

Since this order is not passed in the presence of Mr. Parminder Singh, Advocate, learned counsel for the petitioner, list the case again on 17.1.2020.”

Learned counsel for the respondent-State of Haryana submits that a high tension wire has to pass through the area, alignment whereof can not be changed.

State of Haryana is trying to augment availability of the electricity supply by creating infrastructure.

In such situation, infrastructural development can not be stopped on account of inconvenience of one individual only.

Dismissed.

(ANIL KSHETARPAL)
JUDGE

17.01.2020
Maninder

Whether speaking/reasoned : Yes
Whether reportable : No