

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

RSA-1127-2021 (O&M)

Date of decision: 15.11.2021

Mohan Tayal and another

....Appellants

Versus

Punjab State Power Corporation Limited and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.S.Jaidka, Advocate for the appellants
Mr. J.S.Walia, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

The plaintiffs assail the correctness of the concurrent findings of fact arrived at by the courts below while dismissing their suit for grant of a decree of permanent injunction restraining the defendants from erecting any pole in or nearby the property of the plaintiffs. The plaintiffs claim that they are owners in possession of plot No.109, 110 and 111 situated in Village Barewal Awana. They claim that the respondents should be restrained from placing high tension wires over the plots in question after erecting poles. The defendants contested the suit and submitted that the electricity line has been existing at the spot for the last 30 years but since no current was being transmitted, therefore, certain mischievous persons have stolen the wire and conductors from the spot. Both the courts below, as noticed above, have dismissed the suit.

Learned counsel representing the appellants contends that the respondents-Corporation had agreed to change the alignment on

deposit of certain charges which have already been deposited by Mr. Chetan and Mr. Jasbir Singh.

On the other hand, Mr. Devinder Kumar Sharma, Chief Engineer, P&M, Ludhiana, is present in the Court and has stated that the plots owned by the appellants are not covered under the aforesaid changed alignment.

On this, learned counsel representing the appellants submits that the appellants may be given an opportunity to file their objections.

Keeping in view the aforesaid facts, the Regular Second Appeal is disposed of by permitting the appellants to file objections which shall be considered by the authorities in accordance with law. It is clarified that if the competent authority comes to a conclusion that in the public interest the electricity transmission lines cannot be further deviated or it is not possible to change the alignment any further, then, the competent authority shall pass a speaking order.

All the pending miscellaneous applications, if any, are also disposed of.

15.11.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE