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

CWP No. 6187 of 2022  
Date of Decision: 02.08.2022

Amarpati

-Petitioner

Versus

State of Haryana and others

-Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Rajesh Khandelwal, Advocate, and  
Mr. Ankur Sidhar, Advocate,  
for the petitioner.

Mr. Pankaj Mulwani, D.A.G., Haryana.

Mr. Udit Garg, Advocate,  
for respondents No.2 to 4.

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**RAJ MOHAN SINGH, J. (Oral)**

Petitioner has preferred this writ petition for the issuance of an appropriate writ, order or direction especially in the nature of certiorari for quashing notice memo No.7129 dated 08.02.2022 and notice no.7129-7139 dated 08.02.2022 being illegal and self-contradictory. Petitioner has further prayed for issuance of domestic electricity connection in view of Section 43 of Indian Electricity Act, 2003 as electricity is a basic necessity.

Notice of motion was issued on 25.03.2022, by passing the following order:-

*“The case has been taken up for hearing through video conferencing.*

*Learned counsel for the petitioner contends that as per Committee's report, the line passing over the plot of the petitioner does not come under the list of dangerous line. Domestic connection applied by the petitioner has been subjected to condition that the petitioner is required to get high tension wire i.e. 11KV line shifted as per instructions of the Nigam within a week, otherwise the application for domestic connection shall be rejected. First notice was issued to the petitioner on 08.02.2022. Second notice was also issued on the same date, requiring the petitioner to remove unauthorized structure, buildings, projection, balconies, boundary wall etc. within 15 days of the receipt of notice, failing which criminal proceedings shall be initiated against the petitioner under Section 188 IPC as well as under Section 133 Cr.P.C. and the petitioner shall be held responsible for loss of life and*

*property, besides power failure.*

*Learned counsel further contends that all these events have happened after filing of contempt petition by the petitioner in the High Court and issuance of notice thereof.*

*Notice of motion for 20.07.2022.*

*On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G., Haryana accepts notice on behalf of respondent No.1 and seeks time to file reply.*

*Till the next date of hearing, further proceedings in pursuance of notices (Annexures P-5 and P-6) shall remain stayed.”*

Learned counsel for the petitioner submits that the petitioner would not raise any further construction and would maintain *status quo* as regards the construction under high tension wire. As regards second prayer for release of domestic electricity connection, respondents No.2 to 4 have taken a specific stand in para no.11 of the written statement which reads as under:-

*“11. That it is again reiterated and submitted that the answering respondents*

*has no objection in grant of an electric connection/provisional electric connection to the petitioner unless either the 11 KV line in question is shifted after deposit of estimated amount by the petitioner, or the petitioner undertakes before the Hon'ble Court that the respondent department will not be responsible in any manner, for any loss caused to the life or property of the petitioner or to her family members and that the petitioner shall provide right to ingress and outgress to the respondents in case of fault in the line, etc. and not to construct any further on the plot which will be detrimental to the life and property of the petitioner as well as to the department. The same shall be without prejudice to the rights, objections of the answering respondents and subject to the final outcome of the present writ petition."*

Learned counsel for the petitioner submits that the petitioner shall abide by the condition of undertaking before the respondent- department that the department will not be

responsible in any manner if any loss is caused to the life and property of the petitioner by way of any untoward incident due to electrocution, provided the fault is attributable to the petitioner.

In view of readiness and willingness of the petitioner, this writ petition is disposed of by relegating the petitioner to approach respondents No.2 to 4 and file necessary undertaking within a period of two weeks. On receipt of undertaking, the respondents No.2 to 4 shall act in accordance with law forthwith.

02.08.2022

Jyoti Sharma

**(RAJ MOHAN SINGH)**  
**JUDGE**

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|------------------------------|---|--------|
| 1. Whether speaking/reasoned | : | Yes/No |
| 2. Whether reportable        | : | Yes/No |