

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

CR No.1521 of 2022 (O&M)

Date of Decision: 11.05.2022

Gayatri Education Society

.....Revisionist-petitioner.

Versus

Dakshin Haryana Bijli Vitaran Nigam Limited and another

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Mr. Abhimanyu Singh, Advocate
 for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J.(Oral)

Feeling aggrieved by the order dated 18.01.2022 (Annexure P-12) passed by learned Civil Judge (Junior Division), Sohna (for short, 'the trial Court') whereby the application moved by the petitioner-Society (the plaintiff in the Civil Suit) under Order 39 Rules 1 and 2 CPC has been dismissed as well as by the judgement dated 21.03.2022 (Annexure P-15) handed down by learned Additional District Judge, Gurugram (for short, 'the Appellate Court') dismissing the appeal preferred by the petitioner to assail the order Annexure P-12, it (petitioner) has preferred the instant revision petition.

The petitioner has filed the Civil Suit against the respondents (arrayed as defendants in the Civil Suit) for seeking a decree for permanent injunction to restrain them (respondents) and their officials from entering in

its (petitioner's) land (for short, 'the suit land') for erecting any pole and also from destroying the crops grown in the same, while averring that it has been running a School in the suit land which has been taken by it on lease for a period of 20 (twenty) years w.e.f 25.08.2004 and the respondents intend to erect electric poles in the playground in the same. Along-with the suit, the petitioner filed the above-said application for seeking *ad-interim* injunction and the same has been dismissed by the trial Court vide impugned order Annexure P-12 and the appeal preferred by it to challenge the said order, has also been dismissed vide the impugned judgment Annexure P-15.

I have heard learned counsel for the petitioner in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner had taken the suit land on lease and is running a School in the same and now, the respondents want to erect electricity poles in this land without complying with the relevant legal provisions and therefore, the petitioner-Society is entitled to the relief of *ad-interim* injunction as prayed for in its afore-mentioned application but vide the impugned order and the judgment, both the Courts below have wrongly declined its prayer for grant of the said relief and hence, the same deserve to be set-aside.

However, I do not find any merit in the afore-raised contentions because the trial Court has categorically observed in the impugned order Annexure P-12 that an electricity transmission line is being laid for the benefit of the public at large and the route-plan for the same

was duly prepared, approved and notified in the newspapers. The petitioner has not come forward with any fair and candid version regarding the violation of any legal provisions by the respondents nor has disclosed that it had ever filed any objections against the said route-plan. It is well-settled that the benefit or interest of an individual has to give way to the benefit and interest of the public at large.

As a sequel to the fore-going discussion, it follows that there is no illegality, infirmity, irregularity or perversity in the impugned order as well as the judgment passed by the Courts below, so as to call for any interference by this Court.

Resultantly, the revision petition in hand, being *sans* any merit, stands dismissed.

May 11, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*