

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

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**CWP-18055-2021 (O&M).
Date of Decision: 29.11.2022.**

Shish Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Mukesh Yadav, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G. Haryana,
for respondents No.1 and 2.

Mr. Rajesh Gaur, Advocate,
for respondents No.3 to 7.

VINOD S. BHARDWAJ, J. (ORAL)

The instant Civil Writ Petition has been under Articles 226/227 of the Constitution of India, 1950, praying for issuance of a writ in the nature of Mandamus to the respondents aggrieved of the illegal disconnection of the power supply and failure of the respondents in restoration thereof.

Short reply filed by way of affidavit of Manoj Kumar Vashishtha, SDO, on behalf of respondents No.3 to 7, today in the Court is taken on record. A copy thereof has been furnished to the learned counsel for the petitioner.

Relevant extract of the aforesaid reply reads thus:-

“4. That a representation was received from the Satyaprakash S/o Sh. Satyaveer Singh regarding a pole which was tilted, and Live Transmission wires were lying on the

crops which might be detrimental to men and material. So, to avoid any accident, the same day the line was de-energized i.e. 04.08.2021. The aforesaid line was connected to the Petitioner. The concerned area Incharge went to the site with the labour to erect the new pole for continuity of supply to the Petitioner but Ramphal S/o Sh. Shadi Ram R/o-Karira who was the neighbor of Sh. Satyaprakash S/o Sh. Satyaveer Singh R/o-Karira created hindrance in erection of the broken pole at the same site because the broken pole was situated near kila/dole of Ramphal and Satyaprakash. So, the work could not be completed at that time and he requested that the work may be completed after the harvest of crops.

5. That on 26.08.2021, a police complaint was made by SDO 'OP', S/Division Kanina to lodge the FIR against Sh. Ramphal s/o Sh. Shadi Ram, village Kariravide office memo no. 1133 police assistance was sought for the execution of work.

6. The work could be completed on 18.09.2021 and the supply of the petitioner was energize and is running smoothly ever since.

7. That a complaint no. 1728/13/2021 was also filed by the petitioner before the Haryana Human Rights Commission, Chandigarh stating that the supply of his electricity to his tubewell connection was disrupted for the last on week and requested to restore the Electricity supply to his tubewell immediately. However, the same was disposed of on 21.02.2022 as the electricity supply has been restored smoothly. Therefore, the present petitioner is not maintainable on the same issue being barred by Res-judicata and principle of estopple.”

The averments contained in the present reply regarding the re-energisation of the electricity supply is not disputed.

Learned counsel for the petitioner contends that the petitioner was inconvenienced as a result of the disconnection of the electricity supply and delay in energizing of the same.

The same would be an issue which would require determination of loss/damage if any, and the High Court in writ jurisdiction shall not travel into that fact.

The grievance of the petitioner regarding the disconnection of the electricity supply stands redressed by re-energizing thereof.

Accordingly, the present petition is disposed of as not pressed at this stage.

Liberty is, however, granted to the petitioner to take recourse to the appropriate remedies available to the petitioner as per law for seeking damage/compensation, if any, if so advised.

(VINOD S. BHARDWAJ)
JUDGE

November 29, 2022.
raj arora

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No