

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

225

CWP-29953-2019

Date of decision: 24.08.2022

RAJINDER KUMAR

.....Petitioner

VERSUS

PERMANENT LOK ADALAT (PUBLIC UTILITY SERVICES)
AMBALA, HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Gautam Kaile, Advocate
for the petitioner.

Mr. Padam Kant Dwivedi, Advocate
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed against the award dated 10.05.2019 passed by the Permanent Lok Adalat (Public Utility Service), Ambala whereby an application filed under Section 22 (C) of the Legal Services Authority Act, 1987 by the petitioner was dismissed imposing a cost of Rs. 5,000/- to be deposited by the petitioner-applicant with the District Legal Aid Fund, Ambala.

A perusal of the application submitted by the petitioner before the Permanent Lok Adalat shows that the allegations leveled in the said application were to the effect that the respondent-department has shifted the electricity line at the behest of respondent No.5 Gurmail Singh son of Bhoop Singh. The said respondent No.5 has thereafter encroached upon the said portion of gali Sare-Aam by merging the

same in his house by raising an unlawful construction.

Written statement was filed on behalf of respondents No.1 and 2 wherein it was specifically submitted by the respondent-department that the spot inspection was duly carried out and it was found that there was no alteration in the transmission line originally laid and that the electricity wires were properly intact. It was further stated that there was no chances of any mishappening as a result thereof. It was also contended that the issue pertaining to encroachment on public land by respondent No.5 is beyond the purview of the answering respondents.

Upon consideration of the rival submissions advanced by the respective parties, the Permanent Lok Adalat (Public Utility Service) came to the conclusion that the petition primarily raised an issue of encroachment by Gurmail Singh respondent No.5 and that the said issue of encroachment on public land is not within the purview of the Permanent Lok Adalat. Resultantly, the petition was dismissed by imposing a cost of Rs. 5,000/-. Aggrieved thereof, the present petition has been filed.

Learned counsel appearing on behalf of the petitioner contends that the overhead wires had not been properly installed and the same had been illegally shifted at the behest of respondent No.5. He places reliance upon the photographs to contend that the wires are hanging low and loose.

Per contra, learned counsel appearing on behalf of the respondent No.2-UHBVN, Ambala has submitted that the transmission line has been laid as per the parameters fixed by the appropriate

Commission and the same are intact and are not in the center of the

road. It is at the edge and the side of the road. He denies shifting of the lines. He has further referred to the photographs showing the current status of overhead wires. He also submits that the photographs appended by the petitioner relates to the peak summer season and at such time there is always a little sagging of wires due to heat. He further undertakes that in the event that the petitioner has any grievance with respect to the Electricity wires sagging below the safety limits or any other grievance which he feels needs to be redressed for safety and security of the residents of the village and that in the event of any such grievance being espoused, the same shall be expeditiously looked into and remedial steps, wherever required shall be taken.

In view of the above, the present petition is dismissed. The Department however shall be obliged to take appropriate steps in accordance with law in the event of any tangible grievance being espoused and brought to the notice of the respondents as is likely to endanger human life and safety.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 24, 2022

Vishal sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No