

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

214

LPA No.4936 of 2018

Date of Decision: April 4<sup>th</sup>, 2022

Bhag Singh

...Appellant

Versus

Union Territory, Chandigarh and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH  
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. K.S. Mamrat, Advocate  
for the appellant.

Mr. Anil Mehta, APP, U.T. Chandigarh  
with Ms. Sukriti Kaur, Advocate  
for respondent No.1-U.T. Chandigarh.

Mr. Gaurav Mohunta, Advocate  
with Mr. Shubham Jain, Advocate  
for respondents No.2 to 4.

**AUGUSTINE GEORGE MASIH, J. (ORAL)**

Challenge in this appeal is to the judgment dated 28.09.2018 passed by learned Single Judge vide which CWP No.23527 of 2018 preferred by the appellant challenging the order of the Permanent Lok Adalat (Public Utility Service), Union Territory, Chandigarh (hereinafter referred to as 'the PLA') vide which the application filed by the appellant under Section 22 C of the Legal Services Authorities Act, 1987, has been dismissed, stands dismissed.

2. It is the contention of learned counsel for the appellant that the admitted position is that the appellant is a co-sharer of the land falling in Khewat No.91, Khatoni No.110, Khasra No.22/30 situated at Saini Mohalla, Village and Post Office Dadu Majra, Chandigarh, where he has a *bara*/cattle shed. A water connection was installed in this cattle shed on 24.01.2014, which

was disconnected on 29.12.2016 on the complaint of private respondent No.5-Pritpal Singh, a co-sharer. It was alleged by Pritpal Singh that the appellant was not an exclusive owner of the property in dispute and has not obtained 'No Objection Certificate' from the other co-sharers prior to obtaining the water connection. On this basis, when the same was challenged before the PLA, the said application has been rejected on the ground that the appellant was not the exclusive owner of the land in question and, therefore, the water connection could not be released to him.

3. Counsel for the appellant has asserted that the said complaint and the final decision by the PLA, when challenged before the learned Single Judge, has not been appreciated in the true spirit as it is not mentioned in the bye-laws that the person should be an exclusive owner, what has been asserted is that he should be the owner of the property in question, which the appellant admittedly is as he has a share in the property. On this basis, learned counsel for the appellant asserts that the impugned order passed by the learned Single Judge cannot sustain and deserves to be set aside.

4. This contention of learned counsel for the appellant cannot be accepted in the light of the fact that the words used in amended bye-laws vide notification dated 03.05.2016 (Annexure P-14), especially bye-law 5 (v) clearly shows that the water connection will only be released in the name of the owner and not in the name of GPA holder or any other person. This makes it clear that the person has to be an exclusive owner of the property. As far as the co-sharers are concerned, the water connection can only be obtained if the other co-sharers give their consent for issuance of a water connection, which admittedly has not been granted by the other

co-sharers.

5. In the light of the above, we do not find any ground for interfering with the order passed by the learned Single Judge as the same is based upon proper appreciation of the facts and proper right interpretation of the regulations applicable to the case in hand. The connection which was initially taken by the appellant was based upon an assertion that he was an owner of the property in question, which admittedly he is not, rather it is a property which is owned by eight co-sharers together. There being no partition of the land, the appellant cannot be said to be the exclusive owner of the land in question and thus has rightly been denied the re-connection of water.

6. The appeal, therefore, stands dismissed.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**April 4<sup>th</sup>, 2022**  
*Puneet*

**(SANDEEP MOUDGIL)**  
**JUDGE**

Whether speaking/reasoned: Yes

Whether Reportable: No