

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

263

CWP-5254-2023
Date of Decision: 18.10.2023

MANJIT SINGH

... Petitioner

VERSUS

PSPCL AND ORS

... Respondents

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

Present: Ms. Shruti Sharma, Advocate
for the petitioner.
(Through Video Conferencing)

Mr. Karan Kaushal and Mr. Abhimanyu Jangra,
Advocates for the respondents.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is to install/erect the electricity pole
that has been uprooted from the site land.

Written statement was filed on behalf of respondents No.2 and 3
wherein it has been informed that a civil dispute pertaining to the encroachment
of passage leading to the house of the petitioner has been instituted before the
Civil Court, Kharar by the neighbours namely Prabhjit Singh, Sukhjiwan Singh
and Jaspal Kaur. It is further averred therein that vide order dated 03.03.2020,
the Civil Court, Kharar had ordered *status quo* qua the suit property and in view
of the *status quo* order having been passed, the petitioner cannot re-erect the
electricity pole over the private land.

The factum of pendency of the civil suit is not disputed by the counsel for the petitioner, however, it is submitted that the electricity pole was uprooted during the operation of the order of *status quo*. She, however, fairly concedes that the contempt proceedings have already been initiated against the respondents.

I have heard the learned counsel for the respective parties and have also gone through the documents appended alongwith the present petition with their able assistance.

Taking into consideration the fact that the pendency of the civil proceeding vide Civil Suit No.773 of 2019 is not disputed and that the issue with regard to the uprooting of the pole as well as the contempt proceedings are already subjudice before the Civil Court, Kharar, the petitioner may, if so advised, take recourse the remedy by moving an appropriate application before the Civil Court, Kharar for re-erection of the uprooted electricity pole.

The present writ petition is accordingly disposed of as not pressed with the liberty as aforesaid.

OCTOBER 18, 2023

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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No