

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

281

CWP-7407-2023 (O&M).

Date of Decision: 24.07.2023.

Rinku Tanwar

. Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Harkirat Singh, Advocate, for
Mr. Vikram Singh, Advocate,
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana,
for respondent No.1.

Mr. R.D. Bawa, Advocate, and
Mr. Dipanshu Kapur, Advocate,
for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (ORAL)

The instant writ petition has been filed for seeking issuance of directions to the respondents to shift the Electricity Pole from front of the shop of the petitioner which is not being done despite deposit of the assessed charges and its approval by the concerned officials.

Written statement on behalf of the respondents has been filed today in Court. A copy thereof has been furnished to the learned counsel for the petitioner.

It has been averred in the reply that the respondents have always been ready and willing to shift the electricity pole and that such shifting has been found to be technically feasible, however, the

neighbourers of the petitioner are causing hurdles and are not permitting the officials of the respondents-Nigam to shift the electricity pole. A communication dated 29.06.2020 and a subsequent reminder dated 28.02.2022 has already been sent to the Police Chowki Incharge U.E.II, Hisar, to provide police help and a request for appointment of Duty Magistrate had also been sent, however, the Duty Magistrate has not taken any appropriate action in accordance with law.

Be that as it may, the duty for facilitating execution of the works under the Indian Telegraph Act, 1885 and to ensure maintenance of law and order has been cast upon the District Magistrate. It is also not disputed that the amount as assessed and demanded by the respondents-Distribution-Licensee has already been deposited by the petitioner and is lying with them.

The present petition is accordingly disposed of with a direction that the respondent-distribution licensee shall submit an application to the District Magistrate for taking appropriate steps in accordance with law under the Indian Telegraph Act, 1885 and for issuing such directions as may be necessary for enabling the Distribution Licensee to carry out its operations, within a period of 04 weeks of the receipt of the certified copy of this order. Upon receipt of such an application, appropriate orders in accordance with law shall be passed by the District Magistrate within a further period of one month.

Petition stands disposed of accordingly.

July 24, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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