

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

118

CWP-25530-2023 (O&M).
Date of Decision: 14.11.2023.

PAWANDEEP SINGH

...Petitioner

Versus

PUNJAB STATE POWER CORPORATION LIMITED AND
OTHERS

...Respondents

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

Present: Mr. Rajbir Singh, Advocate, for the petitioner.

Mr. Charanjit Sharma, Advocate,
for respondents No.1 and 2/PSPCL.

VINOD S. BHARDWAJ. J (ORAL)

The prayer in the present petition is for seeking directions to respondents No.1 and 2 to not install the heavy voltage wire i.e. 11000 KVA line, electricity poles as well as the other equipments adjoining the boundary wall of the petitioner and shift the same from the residential area of the village to some other place.

Notice of motion to respondents No.1 and 2 only at this stage/PSPCL.

Mr. Charanjit Sharma, Advocate, enters appearance and files memo of appearance on behalf of respondents No.1 and 2/PSPCL.

He has pointed out that the petitioner has placed reliance on the representation submitted by the Gram Panchayat of Village Uppal Tehsil and District Ludhiana, to the Deputy Commissioner, Ludhiana, for the above said purpose and has appended the same with the present petition as Annexure P-1. He further contends that the Gram Panchayats of village Uppal and village Sanghe has filed a civil suit before the Court of Civil Judge (Jr. Divn.), Ludhiana. An application under Order 39, Rules 1 and 2 of the Code of Civil Procedure, 1908, had also been filed along with the same wherein the interim injunction/stay initially granted was subsequently vacated. He contends that having lost to secure interim relief before the Civil Courts, Ludhiana, the petitioner has preferred the instant writ petition in his individual capacity by placing reliance on the said representation of the Gram Panchayat notwithstanding that the Gram Panchayat is already pursuing its remedies before the Civil Courts.

Faced with above, counsel for the petitioner seeks permission to withdraw the present writ petition.

While allowing the aforesaid prayer of withdrawal, this Court expresses anguish on an attempt made by the petitioner to conceal the factum of vacation of the stay order granted by the Civil Court and also the pendency of Civil Appeal and that the petitioner has deliberately just confined the pleadings only to the extent of the institution of the civil suit. Hence, an attempt on the part of the petitioner to explore his possibility by way of forum shopping instead of taking recourse to the due process of law is evident and an attempt to mislead this Court by the declaration that the petitioner never approached any competent authority

at any point of time espousing the above said grievances is evident. The instant petition is permitted to be withdrawn subject to payment of cost Rs.20,000/- to be deposited with the Punjab and Haryana High Court Bar Association Environment Protection Fund.

Disposed of as withdrawn accordingly.

November 14, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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