

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

211

CWP-2218-2021 (O&M)
Date of Decision: 07.03.2024

HASAM

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Ms. Malkit Kaur, Advocate for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. R.D. Bawa and Mr. Dipanshu Kapur, Advocates
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the notice dated 15.12.2020 (Annexure P-6) issued by respondent No.3 – SDO (SSE 220 KV S/STN) Rangala, Rajpur, PS Ferozepur Jhirka, District Nuh-Mewat bearing memo No.286 whereby the respondents have issued a notice to the petitioner calling upon the petitioner to restrain from the raising construction within the ROW (Right of Way) of the transmission lines laid down by the respondent-Transmission Licensee as the said construction is being raised in violation of Sections 79 and 80 of The Indian Electricity Rules, 1956.

Counsel for the petitioner has vehemently argued that the petitioner had purchased a plot for raising a construction and prior to commencing the construction, he had submitted a representation to the respondents, however, no decision was taken thereupon and that the issuance of impugned notice at this stage after the commencement of the construction is thus prejudicial to the rights of the petitioner. Learned counsel for the petitioner further submits that the transmission lines have not yet been energized.

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.

It is not in dispute that the present petition has been filed only against a show cause notice and the petitioner would have the remedy to raise all his issues as espoused in the present petition, before the Competent Authority. Since no decision pursuant to the show cause notice has been taken so far and the petitioner has been afforded an opportunity to put forth his defence, it would not be appropriate for this Court to examine the issue at this juncture. The petitioner may, if so advised, raise all pleas before the Competent Authority in response to the impugned show cause notice.

An appropriate decision shall be taken by the respondent-Authorities after granting an opportunity of hearing to the petitioner. Let the needful be done within a period of four months of the receipt of certified copy of this order.

Petition stands disposed of accordingly.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

MARCH 07, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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