

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-3524-2024

Date of decision: 27.02.2024

RAJESH DEVI

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. Rahul Gautam, Advocate with
Mr. Nitin Verma, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1, 3 & 4.

Mr. Vivek Saini, Advocate
for respondent No.2-HVPNL.

VINOD S. BHARDWAJ, J. (Oral)

Prayer in the present writ petition is for directing the Deputy Commissioner, Faridabad for determination of compensation for the Transmission tower and the transmissions lines that had been laid through the plot of the petitioner which falls in the residential area.

The documents placed on record however do not suggest as to whether any appropriate petition for compensation has been filed by the petitioner before the District Magistrate who is competent to determine the compensation payable to a land owner for the land requisitioned as well as for the crop loss including loss for right of way due to laying down of the transmission lines, if any.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana appears and accepts

notice on behalf of respondents No.1, 3 and 4.

Mr. Vivek Saini, Advocate appears and accepts notice on behalf of respondent No.2 and prays for some time to complete instructions and file response, if necessary.

Learned counsel appearing on behalf of the respondent-State as well as the Transmission Licensee contend that for the purposes of determination of compensation and disbursement thereof in favour of a land owner, an appropriate petition under the regulatory frame work is required to be filed before the competent authority and that they would have no objection to determine such compensation in accordance with law in the event of any such petition being filed by the petitioner.

The present writ petition is accordingly disposed of at this stage with liberty to the petitioner to file an appropriate petition under the provisions of Electricity Act, 2003 read with Indian Telegraph Act, 1885 and the Works of License Rules for seeking assessment and disbursement of the compensation as per law.

Needless to mention that in the event of any such petition being filed, the respondent-District Magistrate shall take an expeditious decision thereupon and preferrably within a period of 06 months of the petition being preferred and pass an award as per law after granting an opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 27, 2024

Vishal sharma

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