

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4584-2024

Date of decision: 28.02.2024

Maya

....Petitioner

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI
HON'BLE MR. JUSTICE VIKRAM AGGARWAL**

**Present: Mr. Rajesh Goel, Advocate, and
Mr. Sandeep Yadav, Advocate,
for the petitioner.**

ARUN PALLI, J. (Oral)

The petitioner has prayed for the following substantive relief:-

“Civil Writ Petition under Article 226 of the Constitution of India praying for the issuance of an appropriate writ, order or direction especially in the nature of writ of Mandamus praying for Issuance of directions to respondents to allot an alternative plot admeasuring 6 Marla in Sector-JH6, Jhajjar, as the plot no.899 already allotted to the petitioner vide allotment letter Annexure P-1 is traversed by 132 K.V. High Tension wire passing over it, due to which the construction over the same is not possible, or in the alternative, to remove the above stated 132 K.V. High Tension wire, in the light of directions of this Hon’ble Court in yet another similar matter i.e. judgment dated 01.06.2017 passed in CWP-12846-2017 titled as “Rajesh Kandpal and another Versus Haryana Urban Development Authority and others”, so that the petitioner can make construction over his plot.

AND

For the issuance of an appropriate writ, order or direction especially in the nature of writ of Mandamus thereby directing respondents to decide the representation dated 23.01.2024 Annexure P-4, whereby petitioner had made demand of justice, but respondents have been sitting over the matter and have not decided the said representation.

AND

For issuance of writ in the nature of Prohibition thereby restraining respondents from claiming any non-construction charges from petitioner, as petitioner is unable to raise construction over the plot due to fault of respondents as 132 K.V. H.T. Line is passing over the same and in such eventuality claiming non-construction charges from the petitioner due to no fault of his, is highly unjust and arbitrary.”

Learned counsel for the petitioner submits that petitioner (Smt. Maya) was re-allotted plot No.899, Sector JH6, Urban Estate Jhajjar, measuring 6 marla, vide re-allotment letter dated 04.07.2018 (P-1). He submits that the limited grievance that the petitioner has is: for, a 132 K.V. high tension wire passes over the said site/plot, she is unable to construct the site. It is urged that prior to the institution of this petition, the petitioner had even served the respondent authorities with a representation dated 23.01.2024 (P-4). However, even though a considerable time has elapsed, but the matter has not made any tangible progress. Thus, interest/rights of the petitioner are severely impacted.

Served with the advance copy of the petition, Mr. Deepak Sabherwal, Advocate, for the respondent-HSVP, is present in Court. At the outset, he submits that the matter regarding shifting the 132 K.V. high tension wire, which passes over the plot of the petitioner, has already been taken up with Haryana Vidyut Prasaran Nigam Limited (HVPNL). And respondent authorities have been conveyed that the transmission line can be shifted, if an alternate Right of Way is provided to HVPNL. It is

submitted that, in response, a proposal of alternate Right of Way has since been submitted through the adjoining sector and the matter is under active consideration of the authorities. Therefore, he submits that in the given circumstances, it would rather be expedient if this petition is disposed of, at this stage, to enable the respondent-authorities to deal with the concerns and grievances of the petitioner. And pass necessary orders on her representation (*ibid*), in accordance with law. Further, he submits that before any such orders are passed, the petitioner shall also be afforded a hearing.

Learned counsel for the petitioner is agreeable to the course suggested by learned counsel for the respondents-HSVP, and submits that let this petition be disposed of, in terms of the statement made by him. However, it is urged that the authorities be directed to do the needful within a specified time.

To which, learned counsel for the respondent-HSVP submits that appropriate orders shall be passed within a period of two months from today.

The petition is accordingly disposed of, in terms of the statements made by learned counsel for the parties.

This Court is sanguine that the authorities shall look into the matter in the right earnest. And the appropriate orders shall be passed within the time indicated by the learned counsel for the respondent-HSVP.

Needless to assert that this order shall not constitute any expression of opinion on the merits of the case of either party, for, as indicated above, the competent authority shall examine the concerns/grievances of the petitioner, strictly in accordance with law.

(ARUN PALLI)
JUDGE

(VIKRAM AGGARWAL)
JUDGE

28.02.2024
Ak Sharma

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