



CRM-M-6885-2021

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6885-2021

Date of Decision: 12.08.2025

Ramesh Kumar

...Petitioner

Versus

Vinay Parsad and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. K.S. Khehar, Advocate
for the petitioner.

Mr. Sehajbir Singh, Advocate (through V.C.) with
Ms. Karishma Sharma, Advocate
for the respondents.

ANOOP CHITKARA, J.

1. Alleging false statements made in the written statement filed in CWP No. 9767 of 2019 by respondent No.1 to 4, the petitioner who was also a petitioner in the said writ petition had come up before this Court by filing the present petition under Section 340 CrPC for proceeding against the respondents for initiating an enquiry for perjury under Section 195 of CrPC, 1973.

2. The present petition has a checkered history which emerges from long term litigation which started somewhere in previous century. The petitioner claims to have filed a civil suit for possession of land. He claims that the said suit was decreed in 2006 and preliminary decree was also passed in their favour regarding mense profit. Another suit was also decreed in 2010 whereby the defendants were directed to hand over the possession of the vacant land to the petitioner within three months. After that, the petitioner had filed execution proceedings. He also come to the Court by filing civil revision petitions. After long litigation, the possession was handed over to the petitioner. Petitioner claims that in the execution petition, local Commissioner was appointed to take possession of tubewells and construction thereof. The local Commissioner complied with the Court order and submitted their reports. In the said report, the local Commissioner stated that there was a tubewell connection in the land as defined in the present petition. In terms of execution petition, directions were issued for possession of tubewell in the presence of local Commissioner and permission was also granted. In nutshell, the dispute pertains to the tubewell connection. Petitioner's claim was that one tubewell connection which was taken by the opposite party be restored and in this respect he had approached



CRM-M-6885-2021

the Executive Engineer of Electricity Board. He also claims to have made representations which were not decided.

3. Feeling aggrieved, the petitioner had filed CWP No. 9767 of 2019 seeking directions to the respondents to restore and provide the electricity connection to the petitioner for agricultural purposes. During the course of the hearing on 04.06.2020, the Co-ordinate Bench had passed the following order:

“The Court has been convened through video conferencing due to Covid-19 pandemic.

Mr. Sehajbir Singh, Advocate counsel for the respondents, has sought instructions in pursuance to order dated 01.06.2020 passed by this Court. He submits that there is no provision in the PSERC (Electricity Supply Code and Related Matters) Regulations, 2014 for release of temporary electricity connection for tubewell.

Counsel for the respondents has placed reliance on a Memo No.177/181 dated 13.04.2018 and submitted that cut off dates for release of electricity connections have been mentioned in the said Memo. His submission is that the persons who have applied for electricity connection in the general category prior to the cut off date have been released connections but those who have applied subsequently have not been released the electricity connection for tubewell purposes.

Counsel for the respondents further submits that the cut off date for applicants who have a land holding up to 5 acres was on 01.01.1992 and no applicant falling in this category has been released electricity connection for tubewell in case he had applied after the cut off date.

Respondents are directed to file an affidavit in this regard.

Adjourned to 12.06.2020.”

4. Petitioner’s main grievance is that the written statement filed pursuant to said order contained incorrect facts.

5. There is no need for this Court to refer to such facts and go into the merits of the case. It would suffice to mention that the said writ petition is now finally closed, however prior to closure of said petition, petitioner had filed the present petition on the ground that respondents had filed wrong written statement to the said writ petition and the facts mentioned in the written statement were incorrect and contrary to the record.

6. This Court does not intend to go into the truthfulness of such contents because it is all disputed and subject matter of evidence and this Court does not deem it appropriate to convert this Court into a Court of preliminary inquiry at this stage. It is for this reason that now the main writ petition filed by the petitioner has been decided on 03.05.2024 by Co-ordinate Bench of this Court. It shall be appropriate to extract the final order passed by the Co-ordinate Bench in the writ petition which reads as follows:



CRM-M-6885-2021

“The present writ petition has been filed by the petitioner for seeking issuance of directions to respondents to restore provide the tubewell electricity connection for agricultural purposes and a further prayer to decide the representation dated 06.03.2019 and 14.03.2019 submitted by the petitioner was also made.

The short grievance espoused by the petitioner is that despite the petitioner being ready and wiling to pay all statutory charges for release of the electricity connection and being in settled possession of the land, the electricity supply is not being released to the petitioner.

Counsel for respondent Power Corporations submits that they have no objection to release the electricity connection in accordance with law subject to the petitioner fulfilling all the requisite terms and conditions of the applicable sale circulars.

In view of the aforesaid statement, counsel for the petitioner does not press the instant petition at this stage. Needless to mention that in the event of the petitioner submitting an application for release of the electricity connection in accordance with the applicable Sale Circulars/regulations notified by the distribution licensee, the electricity supply shall be released in favour of the petitioner within the time as prescribed under the Act.

Petition stands disposed of accordingly. All the pending miscellaneous application(s), if any, are also disposed of.”

7. Thus, the Court has not directed anything based on the written statement filed by the respondents, however, the Court has directed that decision based on the sale circulars, regulations notified by the concerned authorities.

8. An analysis of the entire petition, arguments and the fact of disposal of the main writ petition points out that even if the written statement had some disputed questions, that is subject matter of giving an opportunity to the defendants to rebut the same. On the face of it, this Court does not deem it appropriate to convert this Court into an inquiry or to initiate proceedings under Section 340 CrPC. The primary reason for this Court to arrive at such conclusion is again the decision of the writ petition which did not cause any loss to the petitioner.

9. Given the above, the present petition is dismissed. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.