



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

122

CR-7434-2023 (O&M)
Date of decision: 22.05.2025

Rajbir Singh

...Petitioner

V/s

Sub-Divisional Officer, UHBVNL and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Vishal Jassal, Advocate, for the petitioner.
Ms. Nikita Goel, Advocate, for respondent No.1.
None for respondent No.2 despite service.
Mr. Bhim Singh, Advocate, for respondent No.3.

VIKRAM AGGARWAL, J (ORAL)

The present revision petition is directed against the order dated 30.10.2023 (Annexure P-7) passed by the Court of Additional District Judge, Karnal dismissing the appeal filed against the order dated 20.08.2020 (Annexure P-5) passed by the Court of Civil Judge (Jr. Divn.), Karnal, vide which the application preferred by the petitioner-plaintiff under Order 39 Rules 1 and 2 of the Code of Civil Procedure, 1908 (for short the "CPC") for the grant of ad interim injunction was dismissed.

2. A suit (Annexure P-1) was instituted by the petitioner-plaintiff (Rajbir Singh) for permanent injunction, restraining the defendant-UHBVNL from installing poles and electricity lines in the agricultural land and in front of the house and shops of the petitioner-plaintiff and from removing the poles standing in the land of respondent-defendant No.3 (Varinder Singh).

4. The case set up was that the petitioner-plaintiff was owner in possession of land measuring 44 kanals 9 marlas in Village Staundi, Tehsil Gharaunda, District Karnal. He was having his residential house and three shops towards the roadside in the said land. On the eastern side of the house



of the petitioner-plaintiff was the land of respondent-defendant No.3, wherein four poles had been erected by the UHBVNL in 1962. Respondent-defendant No.2 i.e. Govt. Girls School, Village Staundi, in collusion with respondent-defendant No.3 moved an application to the UHBVNL for removal of the said four poles by claiming that they were a danger to the lives of children studying in the school. The case set up was that on account of the said collusion, the UHBVNL was now contemplating installing a pole in front of the house of the petitioner-plaintiff and in his land. Reference was made to sales instructions No.U-25/2014 of 20.10.2014 as regards erection of electricity lines. Along with the said suit, an application under Order 39 Rules 1 and 2 CPC for the grant of ad interim injunction was filed.

5. The suit was opposed by the defendants. Respondent-defendant No.1 (UHBVNL), in its written statement (Annexure P-2) raised certain preliminary objections as regards *locus standi*, maintainability, estoppels, cause of action, jurisdiction etc. On merits, the allegation of collusion was denied. It was averred that the school was having toilets in the rear portion of the building which were being used by the children and an application dated 29.01.2020 had been moved by respondent-defendant No.2 for removal of electricity lines over the said toilets. Accordingly, a site plan and estimate had been got prepared for shifting the said lines on 12.03.2020 and the work was started. It was also averred that no pole was being installed in the land of the petitioner-plaintiff and was being installed at a sufficient distance from the house and shops of the petitioner-plaintiff. Reply to the application for the grant of ad interim injunction was also filed.

6. Respondent-defendant No.2 (school) filed its own written statement (Annexure P-3), reiterating the fact about the electric poles passing



over the toilets. Respondent-defendant No.3 also filed a separate written statement (Annexure P-4) denying all averments. Vide order dated 20.08.2020 (Annexure P-5), the application for the grant of ad interim injunction was dismissed by the trial Court so was the appeal against the said order vide order dated 30.10.2023 (Annexure P-7).

7. I have heard learned counsel for the parties.

8. Learned counsel for the petitioner submits that both Courts have erred in dismissing the application for the grant of ad interim injunction. He submits that the sales instructions No.U-25/2014 of 20.10.2014 are to be followed by the UHBVNL while erecting/shifting electricity lines. He submits that in collusion with respondent-defendant No.3, respondent-defendant No.1 obtained an application from respondent-defendant No.2 and initiated the process of shifting the electricity poles.

9. Learned counsel for respondent No.1 submits that the poles, in any case, are being shifted on the land of the PWD and not on the land of the petitioner-plaintiff. She further submits that for the said purpose, the applicable instructions shall duly be followed. She submits that in so far as the petitioner-plaintiff is concerned, due care shall be taken as far as practicable to place the poles etc. in such a manner that they are not a cause of nuisance or danger to the petitioner-plaintiff as well.

10. I have considered the submissions made by learned counsel for the parties.

11. At this stage, this Court does not deem it appropriate to issue any ad interim injunction, for, no infrastructure work should be halted by passing injunctions. Even otherwise, learned counsel representing respondent-defendant No.1 (UHBVNL) has taken a very fair stand that the poles are



being shifted on the land of the PWD and all applicable instructions in this regard shall be followed and further due care shall be taken that as far as practicable, the poles are not shifted near the house of the petitioner-plaintiff so that there is no danger to the petitioner-plaintiff and his family members as well.

12. That being so, the present revision petition is disposed of in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

May 22, 2025
vcgarg

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