



CWP-8064-2025

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

(120)

CWP-8064-2025

Date of Decision : 24.03.2025

Jagjit Singh

...Petitioner

Versus

Uttari Haryana Bijli Vitran Nigam
Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ranjit Saini, Advocate
Mr. Sanjay Saini, Advocate
for the petitioner.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a writ in the nature of certiorari, seeking quashing of interim order dated 21.01.2025 (Annexure P-5), passed by the respondent No.3, whereby, the learned Permanent Lok Adalat concerned, while entertaining the application filed under Section 22(c) of the Legal Services Authority Act, 1987, filed by the respondent No.2, had directed the distribution licensee, to release the electricity connection to the premises of the respondent No.2, upon fulfilling the requirements, within 10 days from the date of passing of the order.

2. The petitioner has approached this Court, fetching grievance from the order (supra), on the ground that the petitioner is a co-sharer in the property, and has already filed a civil suit, wherethrough, the learned Civil Court concerned, has granted the interim injunction in favour of the petitioner,

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and despite that, the order (supra), has been passed. He further submits that his application for impleadment, by the learned Permanent Lok Adalat concerned, has not been entertained and the impugned order has been passed.

3. This Court has considered the submissions made by the learned counsel for the petitioner.

4. This Court has examined the interim injunction order dated 22.11.2024, granted in favour of the present petitioner, by the learned Civil Court concerned. However, this Court does not find the same to be lending any vigour to the submissions, as made by the learned counsel for the petitioner. The learned Civil Court concerned, at the time to granting the interim injunction, has granted the liberty to the defendants therein, to construct only to the extent of their share in the suit property, and the construction was made subject to the final outcome of the partition proceedings. The relevant part of the order (supra), is extracted hereinafter :-

“14. Accordingly, ad-interim injunction is passed in favour of the plaintiffs and against the defendants restraining the defendants, from raising any construction or changing the nature of the property in question till the disposal of the suit. However, it is hereby clarified that the defendants are entitled to construct only to the extent of their share in the suit property which would, of course, be subject to final outcome of the partition proceedings.

15. Ergo, the application under Order 39 Rules 1 and 2 of the Civil Procedure Code stands allowed and for the sake of clarity it is relevant to state here that any observations made herein are only for the purposes of the present application and would not have any bearing on the final outcome of the suit or merits of the suit. Now to come up on 22.01.2025 for framing the issues.”

5. In the instant case, if the petitioner/respondents have raised



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construction, to the extent of their own share, then naturally, they are entitled for the electricity connection. At this stage, learned counsel for the petitioner is unable to point out from the record that the respondents have constructed in the suit property, beyond their share. Since the dispute is pending adjudication, before the learned Permanent Lok Adalat concerned, therefore, this Court, refrains itself from making any observation with regard to the entitlement of the respondent No.2, to have new electricity connection, as the same is yet to be finally adjudicated.

6. The second grievance raised by the petitioner is that his miscellaneous application, preferred before the learned Permanent Lok Adalat concerned, has not been entertained, therefore, a direction be passed upon the learned Permanent Lok Adalat concerned, to entertain the miscellaneous application.

7. This Court finds merit in the second prayer, as made by the learned counsel for the petitioner, and therefore, the instant writ petition is **disposed of**, with a direction upon the learned Permanent Lok Adalat concerned, to entertain the miscellaneous application, so preferred by the petitioner, and to adjudicate the same within the ambit of law.

8. However, considering the fact that this Court does not find any perversity or illegality in the order, requiring any interference, therefore, the impugned order is hereby ordered to be maintained.

9. Ordered accordingly.

(KULDEEP TIWARI)
JUDGE

March 24, 2025
Manpreet

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