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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-988-2021 (O&M)
Date of Decision : 12.09.2025

SARABJIT SINGH AND ANR .... Appellants

VERSUS

SECRETARY, PSPCL AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ranjodh Singh Sidhu, Advocate for the appellants.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the plaintiffs No.1 and 3-appellants herein challenging the judgment and decree dated 05.08.2019 passed by the Trial Court dismissing the suit and the judgment and decree dated 06.02.2020 passed by the First Appellate Court dismissing the appeal.

2. Brief facts relevant to the present *lis* are that the plaintiffs No.1 and 3-appellants herein and the plaintiff No.2-respondent No.4 herein filed a suit for permanent injunction to the effect that the defendant-respondents No.1 to 3 herein be restrained from shifting the supply of power line of 1100 KV from the back side of their residence shown red Mark 'A' in the site plan to the front of their residential house shown green Mark 'B' in the site plan, situated in Khewat No.149, Khatoni No.596, 597, Khasra No.1229, 1230 in the area of Village Chatala, Tehsil and District Tarn Taran. In the alternative, a suit for mandatory injunction for shifting of the 1100 KV line either on the backside of the house or underground line. It was the case set up that the

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plaintiffs No.1 and 3-appellants herein along with plaintiff No.2-respondent No.4 herein were carrying on the business of building material in the front of their house and their house was situated on National Highway No.15. There was a power line of 1100 KV running for 40 years, when the power station was installed as Sub-Division Tarn Taran, and the supply goes to the tubewell of Villages Chatala, Rasulpur, Piddi and Shahabpur. It was further the case that the defendant-respondents No.1 to 3 without any reason want to shift the 1100 KV power line from the back of the house of the plaintiffs No.1 and 3-appellants herein to the front. It was further the case that the shifting of the power line to the front would affect the family members of the plaintiffs No.1 and 3-appellants herein and plaintiff No.2-respondent No.4 herein and their animals and that the defendant-respondents No.1 to 3 be restrained from shifting the same.

3. On notice, the defendant-respondents No.1 to 3 appeared and filed their written statement and took the plea that the defendant-respondents No.1 to 3 are the Punjab State Power Corporation Limited and as per the directions and the policies they were implementing the rules and regulations made by the Government in the larger public interest. It was further the stand taken that no document had been placed on the record to show the loss that would accrue to the plaintiffs No.1 and 3-appellants and plaintiff No.2-respondent No.4 herein as a result of the shifting. On 08.05.2019, when the case was fixed for filing amended written statement, none appeared on behalf of the defendant-respondents No.1 and 3 and they were proceeded against *ex parte*. Since, during the pendency of the suit the power line was shifted hence

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the prayer qua permanent injunction was rendered infructuous. The plaintiffs No.1 and 3-appellants herein and plaintiff No.2-respondent No.4 herein led their evidence by way of oral testimonies and some photographs. The Trial Court vide judgment and decree dated 05.08.2019 dismissed the suit. Aggrieved by the same an appeal was preferred by the plaintiffs No.1 and 3-appellants herein which was also dismissed by the First Appellate Court vide judgment and decree dated 06.02.2020. Hence, the present regular second appeal by the plaintiffs No.1 and 3-appellants herein.

4. The learned counsel appearing on behalf of the plaintiffs No.1 and 3-appellants herein would contend that the power line, which was in existence for the last 40 years at the back of the residence of the plaintiffs No.1 and 3-appellants herein, has been shifted to the front. It is further the contention of the learned counsel that in the front of the house the plaintiffs No.1 and 3-appellants and plaintiff No.2-respondent No.4 herein are carrying on their business of construction material and that they also have some buffalos and a shed. Hence, the shifting has affected the movement of the trucks and the tippers and has also affected the family and the animals.

5. Heard.

6. In the present case not an iota of evidence was led by the plaintiffs No.1 and 3-appellants herein to even remotely suggest that the shifting had caused any sort of loss or inconvenience to the plaintiffs No.1 and 3-appellants herein. Except for the bald statement of the witnesses, no document was placed on the record in the shape of an expert opinion to show that the shifting of the power line was adversely affecting the plaintiffs No.1

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and 3-appellants herein. Learned counsel for the plaintiffs No.1 and 3-appellants herein has candidly admitted that there was nothing produced on the record to even remotely suggest that the said power line was not in consonance with the rules and regulations of the defendant-respondents No.1 to 3. In the absence of any evidence, no fault can be found with the impugned judgments and decrees. No other point was argued.

7. No question of law, much less any substantial question of law, arises for determination by this Court in the present case. The appeal being devoid of any merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

12.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No

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