



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

CWP-6080-2024
Date of Decision : **17.02.2025**

SEWA SINGHPetitioner

VERSUS

STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Deepak Verma, Advocate,
for the petitioner.

Mr.Pardeep Bajaj, DAG, Punjab
for respondents no.1, 7, 8 and 9.

Mr. R.S.Gill, Advocate for
Mr. K.S.Kharbanda, Advocate
for respondents no. 2 to 6.

Mr. Navraj Singh, Advocate
for respondent no.10-Gram Panchayat.,

KULDEEP TIWARI, J.(Oral)

1. Through the instant writ petition filed under Article 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus* upon the competent authority amongst the respondents, i.e. PSPCL (distribution licensee concerned), immediately issue two electricity connections to the petitioner, in pursuance of order/letter dated 28.07.2023 (Annexure P-5), passed by the Superintending Engineer, Division Nawanshahr.

2. The case, as set up by learned counsel for the petitioner is that earlier there was a dispute between the Gram Panchayat, and the present petitioner, with regard to the ownership of the property concerned, wherein, the Gram Panchayat (respondent no.10) had lost, as the application preferred under Section 7 of the Punjab Village Common Land Act, was dismissed by the learned appellate authority concerned, vide order dated 18.12.2015 (Annexure P-1), which has attained finality. Therefore, now the respondent no.10-Gram Panchayat, is raising objection, and despite that respondents-PSPCL, is ready to install the electricity meters, which is not, but an abuse of their powers.

3. Learned counsel for the petitioner further placed reliance upon order/letter dated 18.10.2023 (Annexure P-9), wherethrough, the Senior Executive Engineer, Powercom Division Garhshankar, made a request to the Deputy Commissioner, SAS Nagar, to provide adequate police protection so as to enable them to install the electricity meters.

4. He has filed an additional personal affidavit dated 17.02.2025, of the present petitioner today in Court, which is ordered to be taken on record.

5. He has further placed reliance upon a judgment rendered by this Court in “**Mobin Ansari vs. Punjab State Power Corporation Limited and others**”, 2022 (4) RCR (Civil) 782, to submit that even an occupier of the land, is entitled for the electricity connection.

6. On the other hand, learned counsel for the official

respondents vociferously opposed the asked for relief to the present petitioner and has relied upon a short reply dated 09.07.2024, which is already on record.

7. This Court has considered the rival submissions, as made by learned counsel for the parties concerned.

8. What surfaced from a perusal of the instant petition is that the petitioner was trying to take undue advantage of a litigation which was only pertaining to his house, and till date except his personal affidavit (*supra*), there is nothing on record to substantiate that the petitioner was, or is owner of the plot in question, on which he has now constructed two new shops. The Gram Pachayat concerned, has taken a serious objection regarding the ownership of the present petitioner on the plot in question, as well as to granting permission of installation of electricity meters to the said shops.

9. This Court is of the considered view that the petitioner, under the garb of the orders (*supra*), wherethrough, the Gram Panchayat has lost litigation *qua* petitioner's house, seems to have encroached upon another parcel of the land, and has constructed new shops, and by getting electricity meter installed therein, the petitioner is trying to create an evidence of possession, and ownership over the land, so as to give legal shed to his illegal act. Further, except the personal affidavit (*supra*), of the present petitioner, there is nothing on record through which he could substantiate that he is the owner of the land in question. Therefore, the asked for *mandamus* cannot be granted to the present petitioner.

10. So far as the judgment (*supra*), relied upon by learned counsel for the petitioner, is concerned, this court is of the view that the petitioner petitioner is an illegal encroacher/occupier upon the Gram Panchayat land, and through the instant petition his attempt to declare his illegal act, as legal, through the litigation, cannot be allowed to succeed, therefore, he is not entitled to ask for such a relief.

11. Consequently, the instant petition is hereby, **dismissed**. However, the petitioner is at liberty to first establish his ownership over the land in dispute, by filing an apt motion before an apt forum/court concerned.

February 17, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No