

(2010) 11 P&H CK 0570

High Court Of Punjab And Haryana At Chandigarh

Case No: C.R. No. 7644 of 2010 (O and M)

Nihal Singh and Another

APPELLANT

Vs

Dr. Nathu Ram and Another

RESPONDENT

Date of Decision: Nov. 23, 2010

Hon'ble Judges: Hemant Gupta, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Hemant Gupta, J.

The Plaintiffs are in revision aggrieved against an order passed by the learned trial Court on 18.08.2010, whereby the ad interim injunction claimed by the Petitioners restraining Defendant No. 2 from erecting electric poles in the land of the Petitioners was declined. The said order has been affirmed in appeal as well.

2. The argument of the learned Counsel for the Petitioners that an alternative route is possible over the katcha common passage and, therefore, the installation of electric poles at the site finalized by the Board is not proper.

3. The learned first Appellate Court has considered the said argument and has found that by adopting katcha passage, the poles would be erected in the midst of three acres length of the land of Satpal, which will spoil the land of Satpal. It has been found by the learned first Appellate Court that the electric poles are sought to be installed on killa lines/dol between the fields of Nihal Singh and Satpal and that of Nihal Singh and one Ram. Thus, the Plaintiffs would not suffer irreparable loss, if the electric poles are installed at killa lines, and their land would be still useable to the maximum extent possible. But if the poles are installed in the midst of the land of Satpal, then the land of Satpal might become uncultivable.

4. Which route is best possible route, is for the Experts to decide. The Courts cannot sit over the report of the Experts to suggest an alternative route for erection of the electric poles.

5. The reasoning given by the learned first Appellate Court cannot be said to be suffering from any patent illegality or irregularity, which may warrant any interference by this Court in its revisional jurisdiction.
6. Consequently, the present revision is dismissed.