
(2012) 03 P&H CK 0218
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 15856 of 2011

Mehar Chand

APPELLANT

Vs

Uttar Haryana Bijli Vitran Nigam and others

RESPONDENT

Date of Decision : 19-03-2012

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2012) 03 P&H CK 0218

Hon'ble Judges : Ajay Kumar Mittal, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Ajay Kumar Mittal, J.—In this petition filed under Articles 226/227 of the Constitution of India, the petitioner who had applied for a tube well connection is seeking issuance of a writ of mandamus directing the respondents to release tube well connection with load of 3BHP Single, 3 Phase 230-400 Voltage as per the rules. According to the averments made in the petition, the petitioner applied for a tube well connection vide application dated 14.11.2007 and had also deposited a sum of Rs. 285/- vide receipt of the same date (Annexure P-1). The petitioner was issued a demand notice vide memo dated 6.3.2009 asking him to further deposit a sum of Rs. 20,000/- as consent money either in cash or by way of draft along with instruction regarding the material to be used for installation of tube well connection and supply line to the tube well. The petitioner deposited the said amount on 27.3.2009 vide receipt No. BA-16/30679. Besides the aforesaid amount, a sum of Rs. 100/- was also deposited with the Red Cross Society as demanded by the respondents. After complying with the aforesaid conditions, the petitioner approached the respondents for release of the tube well connection but the same was not released. The petitioner was further asked to deposit Rs. 21000/- and Rs. 400/- which was also complied with. In spite of having fulfilled all formalities, the tube well connection was not being released which necessitated the petitioner to file the present petition in this Court.

2. Upon notice of motion having been issued, the respondents filed reply. Along with the reply, a copy of seniority of the applicants for release of tube well connection (Annexure R-3) has been appended. The name of the petitioner has been shown at Sr. No. 17 therein.

3. The averments made in the reply have been controverted by the petitioner by filing replication. By way of replication, it has been pointed out that Jarnail Singh, mentioned at Sr. No. 18 had applied on 31.12.2007 and connection has been released to him whereas the petitioner had applied prior to him on 14.11.2007 but the same has not been released to him so far.

4. I have heard learned counsel for the parties and perused the record.

5. On a query being put to the learned counsel for the respondents as to why the tube well connection has been released to the person mentioned at Sr. No. 18 whereas the petitioner who is at Sr. No. 17 has been denied the same, he was not able to give any justification.

6. Accordingly, the writ petition is allowed and the respondents are directed to release the tube well connection to the petitioner within four weeks from the date of receipt of a certified copy of this order.