

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12934 of 2010

=====

Nagmani Kumar & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Sinha, Advocate

Mr. Tej Narayan Sinha, Advocate

For the Respondent/s : Md. Raisul Haque, SC 4

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

9 08-01-2015 The petitioners have filed this writ application for claiming compensation to the tune of Rs.12,39,000/- each along with interest thereon @ 12% per annum pendente lite from the respondent Board as their father died by coming into contact with live electric 11000 KV transmission line in the night of 3.9.2009 in the field of Upendra Singh.

In the counter affidavit the respondent Power Holding Corporation has not denied the fact that the deceased was lying dead in the field of Upendra Singh snapped under 11000 KV live transmission line which was passing through the field. However, the Board states that unless negligence is established, it is not liable to pay any compensation. The electric wire can snap if there is an attempt of theft etc.

Counsel for the State submits that in view of order passed

in C.W.J.C. No.14410 of 2009 and C.W.J.C. No.9560 of 2008, the petitioner can maintain the application for compensation before the Human Rights Commission which has got adequate machinery and provision to make enquiry and decide.

Having regard to the facts and circumstances of the case, this writ application is disposed of with liberty to the petitioners to move the Hon'ble Human Rights Commission for redressal of their grievance. In case the petitioners file an application, the Hon'ble Human Rights Commission would sympathetically consider the delay, if any, in filing the application as the writ petitioners are pursuing their remedy before this Court.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--