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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4919/2017 & C.M.21284/2017**

SUMAN DEVI Petitioner

Through: Mr. Gaurav Mishra, Advocate

versus

GOVT. OF NCT & ORS Respondents

Through: Mr. Devesh Singh, Additional
Standing Counsel with Ms.
Neelam, Advocate for respondent
No.1
Mr. Manish Srivastava, Advocate
for respondent No.2
Ms. Mini Pushkarna, Standing
Counsel with Ms. Anushriti,
Advocate for respondent No.3-
North DMC

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

% **29.05.2017**

Upon notice, learned counsel for respondent No.2 draws the attention of this Court to Supreme Court's decision in *Chairman, GRID Corporation of Orissa Ltd. (GRIDCO) and Others v. Sukamani Das (Smt) and Another*, (1999) 7 SCC 298 to submit that in a case of electrocution, like the instant one, the remedy is to file a civil suit and not a writ petition as the facts are disputed.

On the other hand, learned counsel for petitioner places reliance upon Supreme Court's decision in *Tamil Nadu Electricity Board v.*

Sumathi and Others, (2000) 4 SCC 543 to submit that there is violation of Article 21 of the Constitution of India and so, there is no bar to entertain this writ petition under Article 226 of the Constitution of India as the negligence on the part of respondents is quite apparent on the face of it. Nothing else is urged on behalf of either side.

Upon hearing and on perusal of averments made in the writ petition and the photographs filed alongwith it, I find that the averments made in the writ petition are not specific qua the liability of any of respondents in particular. This Court is of the *prima facie* view that the facts are required to be established. It is so said with reference to paragraphs No.6 & 7 of writ petition in particular. So, the decision in *Sumathi (supra)* has no application to the facts of the instant case. Consequentially, at the threshold this writ petition is not entertained while relegating petitioner to seek remedy as sought in this writ petitioner by way of civil suit.

This petition and the application are accordingly dismissed *in limini* while not commenting upon merits.

(SUNIL GAUR)
JUDGE

MAY 29, 2017

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