

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 44271 of 2018

Date : 6.12.2018

Between:

Shaik Khasim Bee W/o Late Shaik Rasool Saheb aged about
32 years R/o H No 165 Araveetikota Village Akaveedu
Panchayat Racherla Mandal Prakasam District

Petitioner

And

The State of Andhra Pradesh
Rep by its Principal Secretary Revenue Department
Secretariat Velagapudi Amaravathi Guntur District A P &
others

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners, learned Government Pleader for Revenue and learned standing counsel for respondents 3 to 6.

2. According to petitioners, husband of first petitioner and husband and son of second petitioner who are residents of Araveetikota village, Akaveedu panchayat on 19.8.2015 went in search of buffalos in the agricultural fields and at that time owners of agricultural lands connected electrical supply to the fencing and three have died due to electrocution. Petitioners claim compensation from the respondent company and the State Government for the death caused to their family members.

3. It appears that respondent company has taken the stand that no authorization was granted to the private persons to give electrical supply to the fencing, therefore due to illegality committed by the private persons death occurred for no fault of their family members. Petitioners placed reliance on Section 2 of Indian Fatal Accidents Act, 1855 and Compensation to Victims of Electrical Accidents Regulations, 2017 to claim compensation.

4. The private persons who are responsible for giving electrical supply connection to the fencing of fields which resulted in death of family members of petitioners are not parties to this writ petition. Except for claiming compensation, there is nothing on record to show that the liability is fixed on private persons for violating provisions of Electricity Act, 2003 and other conditions of electricity supply and that the private persons have accepted their illegality. Whether the private persons are liable for causing such illegality resulting in death of the family members of the petitioners is a question of fact which requires consideration before

the appropriate forum. It is not a case of undisputed claim being not settled by the respondents. This Court is not inclined to entertain the writ petition. Writ petition is dismissed granting liberty to the petitioners to avail appropriate remedy available under law to claim compensation as claimed in this writ petition. No costs. Miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 06-12-2018
TVK



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