

**209 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.1165 of 2018 (O&M).

Date of Decision: 02.07.2019

Mamta Rani and others

.....Petitioners

Versus

DHBVNL (Dakshin Haryana Bijli Vitran Nigam Ltd.) and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Ms. Shelja Sharma, Advocate for
Mr. Rajesh Lamba, Advocate,
for the petitioners.

Mr. Pardeep Rajputa, Advocate,
for the respondents.

JITENDRA CHAUHAN J.

Through the instant civil writ petition, the petitioners have sought direction to the respondents to grant them compensation on account of death of Ajit Singh on 13.06.2017 on account of electrocution due to high tension electricity line.

It is contended that late Ajit Singh was a Guest Teacher. On 13.06.2017 he was shifting the wire from the roof of his house located at Shiv Vihar Colony, Palwal. During the process of shifting, 66 K.V. line which was going over the house of the petitioners took earth and a blast took place in the house and said Ajit Singh was electrocuted and expired leaving behind the petitioners. A post-mortem was conducted at B.K. Hospital, Faridabad vide PMR (Annexure P-1).

It is further contended that Ajit Singh died due to

electrocution, therefore, the respondent-department is liable to compensate the petitioners, who are the legal heirs of the deceased.

It is further contended that keeping electricity wire at appropriate height is the responsibility of the Nigam and in the given case, electricity wire had been kept at a lower level, therefore, a clear case of negligence against the officials of the Nigam is made out.

On the other hand, on behalf of the respondents, it is contended that the deceased had died due to his own negligence. The said 66 KV electric line of HVPNL was in existence on the spot since 1970. At that time, there were no construction either commercial or residential around and above the said lines. All the constructions including the one raised by the petitioner had come up after construction of the said 66KV line and hence these constructions are at later point of time and are in utter violation of CEA Guidelines under Central Electricity Authority Notification dated 20.09.2010 (Annexure R-1) published in Gazette of India dated 24.09.2010 under Section 177 of Electricity Act, 2003. The deceased had raised illegal and unauthorized construction of residential house contrary to the provisions of the Electricity Act, 2003 and without the knowledge and notice of the respondent-department. The deceased met with an accident due to illegal raising of construction below the line and as such the department is not at fault.

Heard.

At the outset, the learned counsel appearing on behalf of

the petitioner has failed to show whether the construction of the house was authorized or not. This Court has gone through the case file but there is not even a single word that the construction of the house is authorised.

Chapter VII of the notification dated 20.09.2010 (Annexure R-1) deals with safety requirements for overhead lines, underground cable and generating stations, relevant portion of which reads as under:-

“60. Clearance from buildings of lines of voltage and service lines not exceeding 650 Volts.-(1) An overhead line shall not cross over an existing building as far as possible and no building shall be constructed under an existing overhead line.”

In view of the above, the present civil writ petition is bereft of merit and is hereby dismissed.

02.07.2019.

SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No