

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11405 of 2022

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Amar Kumar son of Indradev Prasad Chaurasia, resident of Village - Bari Malia, P.S. Gogri, District - Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The Principal Secretary, Department Disaster Management, Government of Bihar, Patna.
3. The North Bihar Power Distraction Company Ltd. through its Chairman, Bailey Road, Patna.
4. The Deputy General Manager (personal), the North Bihar Power Distribution Company Ltd. through its Chairman, Bailey Road, Patna.
5. The Electrical Executive Engineer, Electricity Supply Division, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
		Mr. Md. Najmul Hodda, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (AAG 7)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 12-08-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-



(i) For issuance of an appropriate writ(s), order or direction commanding the respondents to pay an adequate compensation to the petitioner due to short circuit in the petitioner's shop due to which all the goods have been burnt into ashes due to negligence and improper maintenance of electric wire.

(ii) For issuance of an appropriate writ order or direction for quashing the order no.10/2022/2 iii/sa sa, Patna dated 09.05.2022 passed by the Secretary, Department of relief and Rehabilitation, govt. of Bihar contained in his memo no.2111 dated 09.05.2022 by which he has most arbitrarily and quite erroneously refusing to pay any compensation to the

petitioner for the loss occurred to his shop due to short circuit which occurred due to improper maintenance of electric wire by the Electricity Department/company.

(iii) For grant of any other relief or reliefs which may be deem fit and proper in the facts and circumstances of the case.

Having heard learned counsel for the petitioner, we are of the considered view that the present petition only merits rejection, inasmuch as there is no admission on the part of the respondents of the property of the petitioner having been



destroyed in fire on account of short circuit, more so as a result of the fault on the part of the respondent department/Corporation.

Disputed questions of fact cannot be adjudicated in a writ petition filed under Article 226 of the Constitution of India.

Under these circumstances, we dispose of the present petition reserving liberty to the petitioner to agitate the issue before an appropriate forum, in accordance with law.

Interlocutory Application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	16.08.2022
Transmission Date	

