

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5244 of 2019

Pitabas Sahu

Petitioner

Mr. Amlan Shakti Paul, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

27.10.2022

Order No.

1. This matter is taken up through hybrid mode.
2. This writ petition has been filed for a direction to take appropriate action against the culprit and further to direct to rehabilitate the Petitioner and to maintain his livelihood and compensate him due to death of his daughter, by awarding Rs.22.00 lakhs.
3. Mr. Paul, learned counsel for the Petitioner submits that on 20th July, 2018 at about 6.00 AM, when the daughter of Petitioner, namely, Pranita Sahu had been to tube well near Kali Mandir situated at Brahmanpada to collect water, an electric pole fell on her, which caused her death. Immediately, the daughter of the Petitioner was shifted to hospital, but she was declared dead. The Petitioner lodged an FIR alleging negligence on the part of authorities under SOUTHCO in town PS of Phulbani. The postmortem report discloses the cause of death due to Hypovolemic shock as consequence of avulsion injury over affected area. Mr. Paul, learned counsel further submits that the daughter of the Petitioner was a brilliant student and due to her untimely death the Petitioner's family members had suffered

mental shock and loss of a brilliant child. Hence, this writ petition has been filed for the aforesaid relief.

4. Upon hearing learned counsel for the Petitioner, this Court finds that the allegation made in the writ petition require factual adjudication to prove the negligence on the part of the Opposite Parties. There is no material on record except the allegation which would suggest that death of the minor girl was due to negligence of the authorities under the SOUTHCO. Unless negligence on the part of SOUTHCO is proved the relief claimed cannot be granted in favour of the Petitioner.

5. Hence, this Court is not inclined to entertain this writ petition. It is, however, open for the Petitioner to work out his remedy in accordance with law.

(K.R. Mohapatra)
Judge