

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 2784 OF 2015

Suna Dei

.... ***Petitioner***
Mr. Amitav Tripathy, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. Suresh Chandra Dash, Advocate
(For Opp. Party Nos.2 and 3)

**CORAM:
JUSTICE K.R. MOHAPATRA**

ORDER

23.08.2022

Order No.

12. 1. This matter is taken up through hybrid mode.
2. In this writ petition, the Petitioner as widow of the deceased, namely, Chandramani Pradhan, seeks for a direction to the authorities of Tata Power Central Odisha Distribution Limited (TPCODL) to pay compensation to her as her husband (for short 'the deceased') died due to electrocution.
3. Mr. Tripathy, learned counsel for the Petitioner submits that on the ill-fated day, i.e. on 20th March, 2013 at about 11.00 A.M., while deceased was taking level in a newly selected site for construction of office building of Nayagarh (R&B) Division, he got electrocuted due to sagging of high tension 11 KV line. The incident was immediately informed by the Junior Engineer, Nayagarh (R& B) Section to the Assistant Engineer, Nayagarh (R&B) Sub- Division. U.D. Case No.212 of 2003 was also registered at Nayagarh P.S. Accordingly, the matter is pending before learned Magistrate in U.D.G.R. Case No.212 of 2013. The post-mortem report of the deceased also reveals that he died due to electrocution. On several occasions, the Petitioner approached

the authorities of TPCODL for payment of compensation, but no action to that effect was taken. Hence, the Petitioner finding no other alternative has filed this writ petition for the aforesaid relief.

4. Mr. Dash, learned counsel for the TPCODL referring to the counter affidavit filed by Opposite Party Nos. 2 and 3 submits that the writ petition is not maintainable. No intimation of the alleged incident was ever reported to the authorities at any point of time. The place of incident has also not been stated in the writ petition. Had there been any such incident, as alleged, power supply would have been tripped immediately from the sub-station. There was no complaint with regard to any sagging of high tension 11 K.V. line at any place in the district of Nayagarh at the relevant time. There is also no material on record to show that the authorities of CESU (now TPCODL) were negligent or careless in maintaining the high tension 11 K.V. line. Hence, this writ petition being devoid of any merit is liable to be dismissed.

5. Taking into consideration the submissions made by learned counsel for the parties, learned counsel for the Petitioner was directed to appraise this Court as to whether the incident was ever intimated to the Opposite Parties. On instruction, Mr. Tripathy, learned counsel for the Petitioner submits that he could not find any material to the effect that the incident was ever intimated to the authorities of TPCODL. On perusal of the materials on record, the place of incident is also not clear. The F.I.R. in U.D Case No.212 of 2003 does not reveal that the deceased died due to coming in contact with high tension 11 KV line. In absence of any material to the effect that the deceased died due to electrocution as

the high tension transmission line was sagging, the prayer made in the writ petition cannot be entertained.

6. It is, however, observed that the deceased died due to electrocution. Negligent, if any, of the authorities of TPCODL can only be established at by adducing evidence in the matter.

7. In view of the above, this Court while not entertaining the prayer of the Petitioner for grant of compensation, disposes of this writ petition with an observation that the Petitioner, if so advised, may file a properly constituted suit for compensation. While computing the period of limitation in filing the suit, if any, learned Court shall take into consideration the period of pendency of this writ petition before this Court from 16th February, 2015 till date along with other grounds.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge

ms