

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

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**CWP-29509-2022
Date of decision: 21.12.2022**

SUNITA AND OTHERS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Kanhiya Soni, Advocate
for the petitioners.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to grant compensation of Rs.50,00,000/-on account of death of Subhash and a regular Government job to the family member of the deceased, who died due to electrocution occurred on account of negligence on the part of the respondents.

As per the contentions raised in the petition, the petitioner alongwith his family had been living in the area of Sewa Nagar, near D.N. High School, Bhiwani for the last 28-29 years, which is a thickly populated area. The petitioners belong to Balmiki Caste/Community and their house is situated in a 15 feet wide street. The respondents laid 11000 KV High Voltage Line over the said street which virtually crossed over the houses of the vicinity including the house of the petitioners. In the night of 24.06.2018, the said High Voltage wire fell

on the gate of the house of the petitioner, however, fortunately nobody was harmed. The matter was brought to the notice of the respondents-Department whereupon the officials of the respondent-Department visited the spot and connected the wire with an assurance that the same shall be transferred to somewhere else at a later point of time, but no action had been taken to shift the high voltage wire to some other place. The petitioners alongwith other residence of the vicinity moved a complaint on C.M. window also, but of no avail. On 11.08.2019, the deceased Subhash son of petitioner No.1, husband of petitioner No.2 and father of petitioners No.3 to 6 went to the roof of his house and unfortunately came in contact with the high voltage wire resulting in a fatal electric shock, due to which he lost his life. Information was given to the respondent-Department as well as the Police. Police came at the spot and took the dead body to General Hospital, Bhiwani, where the Postmortem Examination was conducted on the dead body of deceased Subhash on 12.08.2019 and in the Postmortem Report, the cause of death is shown as "There is nothing suggestive of that the cause of death in the this case cannot be electric shock." An FIR No.643 dated 12.08.2019 under Section 304-A of the IPC, Police Station City Bhiwani had also been registered in this regard.

It is also evident from a perusal of the pleadings that a legal notice has already been served by the petitioners upon the authorities of the DHBVNL for claiming grant of compensation/damages on account of death of Subhash. However, no

action has been taken thereupon till date.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of the respondents No.1 and 7 and prays for time to complete instructions and file response.

Mr. Vivek Saini, Addl. A.G., Punjab, who by virtue of his assignment is also on the panel of all the statutory corporations and bodies of the Government of Haryana, is directed to accept notice on behalf of the respondents No.2 to 6. Hence, he accepts notice on behalf of respondents No.2 to 6 and also prays for some time to complete instructions and file response.

This Court, however, has already decided a number of matters where the counsel representing the distribution licensee had apprised about a policy dated 22.02.2017 notified by the DHBVNL for compensation to the victims of electrocution. The said policy also contemplates disbursement of compensation on account of no fault. Hence, it would be appropriate at this juncture to dispose of the present petition sans waiting for responses from the respective respondents.

The present petition is accordingly disposed of without commenting on the merits of the present case with a direction to the competent authority to decide the said legal notice dated 04.04.2022 (Annexure P-10) as per the policy dated 22.02.2017 and also to treat the present writ petition as a representation and the same shall be decided expeditiously by the competent authority preferably within a

period of 04 months from the date of filing of the such claim/representation, after granting an effective opportunity of hearing to the respective parties.

(VINOD S. BHARDWAJ)
JUDGE

21.12 2022

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*