

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

210

**CWP-5005-2018 (O&M)
Date of decision: 09.02.2023**

SATNAM SINGH

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present:- Mr. D.S. Virk, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Jagjot Singh Lalli, Advocate
for the respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for seeking issuance of directions to the respondents to pay compensation to the petitioner who lost his father on account of an electrocution on 03.03.2017 at about 6:00 p.m. while he was trying to switch on the GO switch installed on the transformer placed at the farms of the petitioners at the age of 44 years. It is averred that father of the petitioner owned 10 acres of agriculture of land within revenue limits of village Karamgarh and that on the date of incident, he had tried to switch on the GO switch installed on the transformer so as to resume electrical supply to his tubewell, however, he died as a result of electric shock.

Respondents have filed their written statement dated 30.01.2020 wherein a specific plea had been taken by them that the GO switch is located at a height and no consumer is required to touch/on/off the aforesaid GO switch for starting of the tubewell motor for watering of the fields. The said switch is property of the Nigam and the deceased father of the petitioner had no authority to touch that. He submits that there was no lapse on the part of respondent-distribution licensee and in the absence of any negligence attributable to them and taking into consideration the overt acts attributed to the deceased himself in coming up to the transformer and fiddling with the property of the distribution licensee, the liability cannot be fastened.

Counsel for the petitioner, however, contends that the necessary measures required for the purpose of installation of GO switch and/or precaution had not been exercised and as such, the respondent-distribution licensee was negligent.

Disputed questions of fact arise from the inter se contentions and pleadings raised by the parties. The written statement filed by the respondent distribution licensee has not been controverted by filing any rejoinder/replication.

However, without commenting on the maintainability of the claim and/or merits of the inter se stand adopted by the parties, counsel appearing on behalf of the petitioner seeks permission to withdraw the instant writ petition so as to file an appropriate petition before a competent Court for seeking compensation on account of the incident in question after establishing the liability/lapse of the respondents.

Disposed of as withdrawn with liberty as aforesaid.

All the pending miscellaneous applications, if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 09, 2023
Vishal Sharma

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No