

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CWP-9868-2018
Date of decision: 05.07.2023

RAJA RAM

.....Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present: - Mr. Sanjiv Gupta, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondent No.1.

Mr. M.S. Sidhu, Advocate
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (Oral)

The present petition had been filed under Articles 226/227 of the Constitution of India for issuance of writ in the nature of Mandamus to direct the respondents to award compensation for the damage of crop on account of negligence of the Electricity Department.

2. It is alleged that the damage to the crop of the petitioner took place on account of the fire caused by the electricity wires passing through the field of the petitioner.

CWP-9868-2018

-2-

3. Learned counsel appearing on behalf of the petitioner argues that the petitioner had taken land on lease from one Mahi Pal in village Madho Singhana at a yearly rent of Rs. 30,000/-. He had set up a Mushroom Farm over the land in question and had been operating the same since 2015. However, on 04.03.2018, an electric wire fell down at around 4:20 p.m. and the entire Mushroom crop of the petitioner was set ablaze. The matter was reported to the Police and a DDR was recorded on the same date. The petitioner have also placed on record copies of the material purchased by him in order to justify the claim raised by him.

4. Written statement dated 05.03.2020 had been filed through Bhagirath Lodha, Xen (OP) City Divn. DHBVN, Sirsa wherein the following stand has been taken:-

2. *That it is submitted that to avoid mishaps there are some in built safety devices like wise LT fuse, MCB of Transformer which operates on occurrence of fault which further causes tripping off of LT lines, But in this case no LT Fuse was found blown, neither the inbuilt MCB of Transformer found operated which clearly shows that no such incidence as alleged by petitioner took place. It is also added that there is no report or complaint to the Fire Brigade which could substantiate the allegation of the petitioner regarding incidence of fire. So there is neither an assessment of loss from competent revenue authorities nor any report of fire officer which could indicate occurrence of fire.*

3. *That the alleged incident is denied as no wire had snapped on 04.03.2018 in the area of V.P.O Madho Singhana and no such complaint is recorded in the complaint register of the area maintained by the concerned electricity office. It is further submitted that the respondents officials have checked*

CWP-9868-2018

-3-

the line properly and no complaint of such kind has been registered in the register, a copy of register is enclosed as annexure R-I.

4. *That even otherwise the petitioner should have approached the Civil Courts below and should also have filed a civil suit so that proper evidence may be adduced for proper adjudication rather the petitioner has filed the present writ petition to this Hon'ble Court. Therefore, in view of disputed question (sic) of fact. The petitioner may be relegated to remedy of Civil Suit.*

5. Even though, the aforesaid written statement had been filed way back in the year March, 2020, however, no replication/rejoinder controverting the factual assertion made by the respondents had been filed. The respondents denied the incident to have taken place in the manner as has been alleged. Mere recording of a DDR on the statement of the petitioner may not be ipso facto sufficient to establish the negligence on the part of the respondents.

6. Disputed question of facts arise for adjudication of the present petition which cannot be gone into by a Writ Court. The present petition is accordingly disposed of as not maintainable at the stage. The petitioner may, if so advised, approach the Civil Court for seeking redressal of his grievance.

The petition is accordingly disposed of.

(VINOD S. BHARDWAJ)

JUDGE

JULY 05, 2023

Vishal Sharma

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