

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

201-41

**CWP-33662-2019
Date of Decision: 07.10.2023**

KAILASH DEVI

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. D.P.S. Bajwa, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana
for respondents No.1 and 6.

Mr. R.D. Bawa, Advocate
for respondents No.2 to 5

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 pay compensation of Rs.50,00,000/- to the petitioner on account of death of Sunil Kumar son of the petitioner, who died due to electrocution.

Succinctly, the facts of the present case are that the petitioner is widow of Birbal Singh who had died on 12.01.2005. Petitioner was blessed with two sons (including the deceased son) and one daughter namely Manoj, Sunil Kumar and Suman Devi respectively. The deceased son of the petitioner had taken the 2½ acres of land of one Satbir Singh son of Manphool, Caste Jaat, resident of village Hassanga, Tehsil and District Fatehabad (Haryana) on

lease for cultivation. On 04.07.2018, the deceased son of the petitioner namely Sunil Kumar had been replacing the rotten plants of *Dhaan* (rice) and in the said process, he reached near the transformer installed alongside the boundary of fields. All of a sudden, the electricity flowed into the water and deceased Sunil Kumar got electrocuted. The neighbourers in the fields arranged a vehicle and took Sunil Kumar to hospital, but Sunil Kumar could not survive and succumbed to the injuries sustained due to electric shock. Postmortem examination was conducted on the dead body of Sunil Kumar at Government Hospital, Fatehabad on 04.07.2018 in which the doctor opined that the cause of death as “electric shock.” The matter was reported to the police and the police conducted the proceedings under Section 174 of the Cr.P.C. and a DDE No.21 dated 04.07.2018 was also registered. It is further averred that the incident took place due to the sole negligence of the electricity department. The petitioner and her family members approached the officials of Electricity Department with a demand of granting compensation; but the petitioner did not get any positive response. Finally, the petitioner submitted a detailed representation/legal notice dated 19.08.2019 (Annexure P-6) to respondents No.1 to 5, however, no action has been taken thereupon by the respondents. Hence, this petition.

Consequent upon issuance of notice, Mr. Pankaj Mulwani, DAG, Haryana appeared on behalf of respondents No.1 and 6; and he made a statement that there is no necessity of filing any separate reply on behalf of the said respondents.

On the other hand, written statement/reply on behalf of respondents No.2 to 5 has been filed controverting the facts mentioned in the petition and praying for dismissal of the same.

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 grant of compensation to the victims of electrocution. The said policy contemplates disbursement of compensation on account of no fault as well. Hence, it would be appropriate at this juncture to dispose of the present petition sans waiting for response from the respondents.

The present petition is accordingly disposed of without commenting on the merits of the present case and with a direction to the competent Authority to decide the said representation/legal notice dated 19.08.2019 (Annexure P-6) 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 receipt of certified copy of this order, after granting an effective opportunity of hearing to the respective parties.

OCTOBER 07, 2023
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(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No