

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19302 of 2016

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Dilip Mahto son of Late Phagu Mahto resident of Village - Kashinathpur
Sanha Paschim Tola, P.S. - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Energy Department,
Government of Bihar, Patna
2. The Managing Director, North Bihar Power Distribution Company Limited,
Patna.
3. The Assistant Engineer, Electricity Department, Baliya Sub-Division,
District - Begusarai.
4. Junior Electrical Engineer, Electricity Supply Section, Sahebpur Kamal,
District Begusarai.
5. Executive Engineer Electricity Supply Sub-Division, Electricity Department,
Rural Area, Begusarai,
6. Sub-Division Officer, Baliya, District - Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Abbas Haidar-SC 6
For the Electricity Department	:	M/s Vinay Kirti Singh, Sr. Advocate Akhileshwar Singh Venkatesh Kirti, Advocates

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY**

ORAL ORDER

4 26-06-2024 Heard learned counsel for the parties.

2. The petitioner has filed the writ application for the
following relief:

*“ A writ in the nature of Mandamus or
any other appropriate writ/s, order/s direction/s
commanding the Respondent authorities*

*i. To raise the quantum of compensation
from Rs. 2 lakhs as awarded by the North Bihar*



Power Distribution Company Limited, Patna vide its office order dated 27.05.2016 to Rs. 30 lakhs as demanded by the petitioner for the death of his son, Vikram Kumar due to the negligence of the Electricity Board.

ii. To take serious action against the Junior Engineer, Baliya.

B. To any other relief/s to which the petitioner is found entitled to.”

3. At the outset, Learned counsel for the respondents contended that since this matter is squarely covered under the order dated 19.03.2024 passed in CWJC No. 8470 of 2022 (Nizamuddin Ansari Vs. The Bihar State Power Holding Company Limited & Ors.), this writ petition may also be disposed of on the same term and conditions.

4. Learned counsel for the petitioner has stated that due to the negligence of the respondent Company the son of the petitioner was got electric shock and died. The petitioner has demanded Rs. 30 lakhs as compensation from the respondents. That even though the petitioner has been making the rounds of the Department, till date compensation of only Rs. four lakhs has been awarded. Therefore, the petitioner seeks a direction from this Court to direct the authorities to pay the compensation as demanded by him for the negligent and



wrongful death of the son of the petitioner.

5. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that there are disputed questions of fact which cannot be gone into by this Court under Article 226 of the Constitution of India. Learned counsel has relied on the judgment of this Court passed in **CWJC No. 1594 of 2022 (Anil Kumar Vs. The State of Bihar & Ors.)** dated 20.06.2022 to buttress his contention. Learned counsel has also relied on the judgment of the Hon'ble Supreme Court in the case of **Chairman Grid Corporation of Orrisa Ltd. & Ors. Vs. Sukmani Das & Anr.** reported in **(1999)-7 SCC 298** to contend that in case the petitioner has any grievance, he has to approach the Civil Court and establish his case before any compensation can be awarded to him.

6. Having regard to the above made submissions of the respondent-Company and also the fact that there are disputed questions of fact with regard to the cause of death, the negligence of the Corporation, this Court is not inclined to entertain the present writ petition. However, liberty is granted to the petitioner to avail an alternate and efficacious remedy of approaching the Civil Court in accordance with law for seeking



compensation for the death of the son of the petitioner.

7. Accordingly, the present writ petition is disposed of granting liberty to the petitioner to avail an alternate and efficacious remedy of approaching the appropriate forum/Civil Court for seeking necessary compensation for the death of the son of the petitioner. It is made clear that this Court has not expressed any opinion on the merits of the case and it is left open to the appropriate forum/Civil Court to decide the issues raised without being influenced by any of the observations made herein.

8. With the above direction, the present writ petition stands disposed of with the aforesaid liberty.

(G. Anupama Chakravarthy, J)

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