

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3688 of 2022

Bir Bahadur Ray S/o Late Rajeshwar Ray Resident of Vill. Pipra, P.S.-
Taraiya, District- Saran at Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, New Secretariat, Bailey Road, Patna.
2. The Chairman, Power Holding Company Limited, Vidhyut Bhawan, Bailey Road, Patna.
3. The Principal Secretary, Department of Energy, Vidhyut Bhawan, Bailey Road, Patna.
4. The Managing Director, North Bihar Power Holding Company Limited, Vidhyut Bhawan, Bailey Road, Patna.
5. The Electric Inspector, North Bihar Power Holding Company Limited, Vidhyut Bhawan, Bailey Road, Patna.
6. The Electric Superintending Engineer, North Bihar Power Holding Company Limited, Vidhyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anish Akhtar, Adv.
	:	Mr. Rananjay Kumar, Adv.
For Respondent	:	Mr. Vinay Kirti Singh, Sr. Adv.
	:	Mr. Akhileshwar Singh, Adv.
	:	Mr. Venkatesh Kirti, Adv.
For the State	:	Mr. Kinkar Kumar (Sc 9)

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 30-07-2024 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following reliefs:-

*“That this is an application for
issuance of appropriate writ/writs,
order/orders, direction/directions and writ in
the nature of mandamus commanding the
respondents to pay the compensation of Rs.
50,00,000/- (Rupees Fifty Lakh Only) with
18% compound interest to the petitioner
whose son died of electrocution due to the
fault of North Bihar Power Holding
Company Limited and/or any other relief for
which the petitioner is entitled.”*

3. Learned counsel for the petitioner has stated that



due to the negligence of the respondent-Corporation the son of the petitioner was got electric shock and died while undergoing treatment at Sadar Hospital Chhapra. That even though the petitioner has been making the rounds of the department, till date no compensation has been paid to the petitioner. Therefore, learned counsel seeks a direction from this Court to direct the authorities to pay the compensation for the negligent and wrongful death of the son of the petitioner.

4. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and 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 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.



5. Having regard to the above made submissions of the respondent-Corporation 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. 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.

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

(A. Abhishek Reddy, J)

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