

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3797 of 2022

=====

Anandi Sharma aged about-74 years (Male), Son of- Late Nepali Sharma
Resident of Village and P.O.- Dholbajja, P.S.- Dholbajja (Naugachia),
District- Bhagalpur (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum- Collector, Bhagalpur.
2. The District Magistrate-cum- Collector, Bhagalpur.
3. The Sub- Divisional Officer, Naugachia, District- Bhagalpur.
4. The Circle Officer, Naugachia, District- Bhagalpur.
5. The South Bihar Power Holding Distribution Company, Bailey Road, Patna, through its Managing Director.
6. The Managing Director, South Bihar Power Holding Distribution Company, Bailey Road, Patna.
7. The Electrical Superintending Engineer, South Bihar Power Holding Distribution Company, District- Bhagalpur.
8. The Electrical Executive Engineer, South Bihar Power Holding Distribution Company, District- Bhagalpur.
9. The Assistant Electrical Engineer, South Bihar Power Holding Distribution Company, Electric Supply Sub- Division, Naugachia, District- Bhagalpur.
10. The Junior Electrical Engineer, South Bihar Power Holding Distribution Company, Naugachia, District- Bhagalpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Yadav, Adv.
For SBPDCL	:	Mr. Vinay Kirti Singh, Sr. Adv.
	:	Mr. Akhileshwar Singh, Adv.
	:	Mr. Venkatesh Kirti, Adv.
For the State	:	Mr. Prasant Pratap (Gp 2)

=====

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

8 14-05-2024 Heard the learned counsel for the parties.

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

*“1. That the poor petitioner prays for
issuance of appropriate order/orders,*



direction/directions, writ/writs, preferably in the nature of mandamus, commanding and directing the Respondent authority concerned to make payment of suitable compensation amount to the petitioner on account of accidental death of his younger son namely Pandav Kumar; Aged about 20 years, who died due to electric shock on 21/02/2020 due to falling naked electric wire on the son of petitioner due to negligence of the Respondent South Bihar Power Holding Distribution Company (SBPDCL in short) while his son was working as a laborer in a tent at Gauriya Toli Dholbajja for which Naugachia U.D. Case No. 01/2020 dated 22/02/2020 has also been instituted by the Dholbajja Police Station but no any suitable compensation was paid to the petitioner till date, despite hectic persuasion made by the petitioner before the Respondent authority concerned for the same even though petitioner' son is only earning member of the family of the petitioner. And/or any other relief or reliefs which this Hon'ble Court may think fit and proper, in the facts and circumstances of this case."

3. The case of the petitioner is that he is the father of one Pandav Kumar, who has died due to the negligence of the respondent-SBPHDCL. That while his son was working as a labourer in a tent an electric wire fell on his son and he died due to the electric shock on 21.02.2020. That a Naugachia U.D. Case No. 01/2020 dated 22/02/2020 was also instituted by the Dholbajja Police Station. That the respondent Distribution Company is not paying the compensation even though his son died due to their negligence. 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 the son of the petitioner died due to cardiac arrest and not due to electric shock. Learned counsel has stated that there is an intense dispute between the various members of the deceased. Further, 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 and the judgment of the Hon'ble Supreme Court in ***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 her 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, i.e.



whether there is any negligence of the Corporation or not, 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 the remedy of approaching the appropriate forum/Civil Court for seeking necessary compensation for the death of the son of the petitioner. 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 all the issues raised by the parties 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)

Ayush/-

U			
---	--	--	--

