

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8753 of 2021

Manju Devi Wife of Late Dukhan Ram resident of village- Rampurbaghel,
Block- Sahridai Bujurg, Vaishali, Bihar

... .. Petitioner/s

Versus

1. The Principal Secretary Dept. of Energy, Vidyut Bhawan, Patna
2. The M.D. South Bihar Power Holding Company, Baily Road, Vidyut Bhawan, Patna
3. Electric Inspector, South Bihar Power Holding Company, Baily Road, Vidyut Bhawan, Patna
4. Electric Superintending Engineer, South Bihar Power Holding Company, Bhojpur
5. South Bihar Power Holding Company, Bailey Road, Vidyut Bhawan, Patna through its M.D.
6. Electric Inspector, Energy Department, Patna.
7. Electric Superintending Engineer, North Bihar Power Holding Company, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Archana Shahi, Adv.
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Adv. Mr. Akhileshwar Singh, Adv. Mr. Venkatesh, Adv.

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

7 10-07-2024 Heard the learned counsel for the parties.

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

“I) Issuance of Writ in the nature of Mandamus for directing the respondents to pay compensation of Rs. 25 lakhs for the death of the deceased husband of the petitioner due to the fault of the South Bihar Power holding Electricity Company.



II) For directing the respondents to act upon the representation filed by the petitioner for compensation.”

3. Learned counsel for the petitioner has stated that due to the negligence of the respondent-Corporation the husband of the petitioner was got electric shock and died on the spot. 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 husband 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 husband of the petitioner was not an employee of the Corporation and that he was cutting a green bamboo, the green bamboo fall on the electric wire thus the husband of the petitioner came in touch with the electric wire and the Corporation cannot be made liable for the lapses committed by the deceased. 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 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 husband 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 husband 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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