

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8470 of 2022**

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Nizamuddin Ansari Son of Late Jumman Ali Resident of Shahi Mohalla, P.S.-  
Arwal, District- Arwal.

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Limited Vidyut Bhawan, Baily Road, Patna Through its Chairman Cum Chief Managing Director (C.M.D.) Vidyut Bhawan, Baily Road, Patna.
2. The Chairman Cum Chief Managing Director (CMD) South Bihar State Power Holding Company Limited, Vidyut Bhawan, Baily Road, Patna.
3. The General Manager H.R. (Human Resource) South Bihar State Power Holding Company Limited, Vidyut Bhawan, Baily Road, Patna.
4. The Chief Engineer (Sanchalan and Samposhan) Bihar State Power Holding Company Limited, Vidyut Bhawan, First Floor, Baily Road, Patna.
5. The Superintendent Engineer Electric Distribution Division Aurangabad (Aurangabad Division South Bihar Power Holding Company Limited).
6. The Executive Engineer Electric Distribution Division Arwal (Arwal Division), South Bihar Power Holding Company Limited Arwal, District- Arwal.
7. The Assistant Engineer Electric Distribution Division Arwal (Arwal Division), South Bihar Power Holding Company Limited Arwal, District- Arwal.
8. The Junior Engineer Electric Distribution Division Arwal (Arwal Division), South Bihar Power Holding Company Limited Arwal, District- Arwal.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Arvind Prasad Singh  
For the Respondent/s : Mr. Vinay Kirti Singh

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

3      19-03-2024                      Heard the learned counsel for the parties.

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

*“That this is an application  
praying for issuance of writ/writs ceretiorary  
or appropriate in nature for directing and  
commanding to the respondents for make*



*payment compensation amount of the petitioner whose son Late Majid Hussain died due to electric accident when he was working as daily wages mechanical on electric pole as per resolution no. 106 Patna dated 15.06.2019 issued by the Bihar vidyut Vinayamak Commission whereby whereunder it has been directed to take action for make payment of compensation to the victim of electrical accident as per provision mentioned Kandika-6 of regulation Act 2018 when ever application has been submitted by the petitioner before the authority concerned but till date no action has been taken by the respondents not compensation has been paid to the petitioner.”*

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 Patna Medical College. 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 was not an employee of the Corporation and that he had unauthorizedly climbed the pole on behalf of



some third party 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 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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