

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8690 of 2022

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1. Nisha Kumari @ Nisha Devi, Widow of Deceased Akhilesh Saw alias Aklesh Saw Resident of Ward No.06, Bharatpura, P.S.- Dulhin Bazar, District- Patna, Bihar- 801102.
 2. Suraj Kumar Minor, Son of Deceased Akhilesh Saw alias Aklesh Saw through their mother and next friend Nisha Kumari @ Nisha Devi, W/o Deceased Akhilesh Saw @ Aklesh Saw, Resident of Ward No.06, Bharatpura, P.S.- Dulhin Bazar, District- Patna, Bihar- 801102.
 3. Akash Kumar, Minor Son of Deceased Akhilesh Saw alias Aklesh Saw through their mother and next friend Nisha Kumari @ Nisha Devi, W/o Deceased Akhilesh Saw @ Aklesh Saw, Resident of Ward No.06, Bharatpura, P.S.- Dulhin Bazar, District- Patna, Bihar- 801102.
 4. Ujjawal Kumar, Minor Son of Deceased Akhilesh Saw alias Aklesh Saw through their mother and next friend Nisha Kumari @ Nisha Devi, W/o Deceased Akhilesh Saw @ Aklesh Saw, Resident of Ward No.06, Bharatpura, P.S.- Dulhin Bazar, District- Patna, Bihar- 801102.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Energy Department, Government of Bihar, Patna.
2. South Bihar Power Distribution Company Ltd. through its Chief Managing Director, BSPHCL, 1st Floor, Vidyut Bhawan, Jawaharlal Nehru Marg, Patna- 800001.
3. The Executive Engineer, Electricity Department, Electricity Division, Sheikhpura, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjay Kumar, Advocate Mr. Nancham Lal Jaiswal, Adv.
For the Respondent/s	:	Mr.Abbas Haider (SC6) Mr. Ranjay Kumar Singh, Advocate.
For the Electricity Board		Mr. Kunal Tiwary, ASC.

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

4 02-04-2024

Head learned counsel for the parties.

2. The present writ petition has been filed for the



following relief(s):-

“(i) For issuance of writ/writs, direction/directions order/orders upon the respondents authority for the payment of compensation amount of 80,00,000/- (Eighty lakh rupees) for the loss and to compensate the sudden death of Akhilesh Saw @ Aklesh Saw who died on 12th March 2021 at 3.30 P.M. at Sheopuram Lane No. 1, Dasji House Road, Police Station Rupaspur, Patna after came into contact with 11000 Volt, Electricity Pole wire through which current was passing during work doing in the house of Dasji at Sheopuram Lane No. 1, Dasji House Road, P.S, Rupaspur, Patna.

(ii) For issuance of further direction/directions upon respondent authorities to compensate the loss of mental stress of life and loss of earning from the deceased father to the sons petitioner No. 2 to 4 who all are minor sons.”

3. It is the case of the petitioners that the husband of the petitioner no. 1, father of petitioner nos. 2 to 4, has died due to electric shock. Learned counsel appearing on behalf of the petitioners has stated that due to negligence of the respondent-Corporation, husband of the petitioner no. 1 has died and therefore, the present writ petition has been filed seeking compensation amount of Rs. 80,00,000/- (Eighty lakh rupees).



Learned counsel has stated that this Court may be pleased to direct the authorities to pay the compensation for death of the husband of the petitioner no. 1 as the same was due to negligence by the respondents-Corporation.

4. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition and stated that the husband of the petitioner no. 1 died due to his own negligence while he was carrying the iron rod in an under construction building. As a matter of fact the death of the husband of the petitioner no. 1 was not due to any negligence of the respondents-Corporation but of the deceased. Further it is stated that the family of the deceased persons have themselves lodged the FIR before the concerned Police Station stating that the owner of the building has forced the deceased to carry iron rods in under construction building and come in contact of the Electric wire. Further it is stated that by the respondents-Corporation that the representation made by the petitioners has already been rejected and till date, the said order has not been challenged by the petitioner. 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 and has relied on the



Judgment of this Court passed in ***CWJC No. 1594 of 2022 dated 20.06.2022*** and also 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 buttress his contention. Further it is stated that in case the petitioners have any grievance, they have to approach the Civil Court and establish their case for any compensation.

5. Having regard to the above made submissions and also the fact that there are disputed questions of fact with regard to the nature of death of the deceased, whether there is any negligence of the corporation or not, this Court is not inclined to entertain the present writ petition and the same is dismissed accordingly. However, liberty is granted to the petitioner to avail the alternate and efficacious remedy of approaching the Civil Court for seeking compensation for the death of the husband of the petitioner No. 1 in accordance with law.

6. 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 by the parties without being influenced by any of the observations made herein.



7. With the above direction, the present writ petition stands dismissed with the aforesaid liberty.

(A. Abhishek Reddy , J)

Bhardwaj/-

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