

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18609 of 2016

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Smt. Fulmanti Devi, Wife of Late Bhola Prasad resident of village - Beladih,
P.O. - Beladih, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Energy, Vidyut Bhawan, Patna
2. The M.D., South Bihar Power Holding Company, Bailey Road, Vidyut Bhawan, Patna.
3. Electric Inspector South Bihar Power Holding Company, Vidyut Bhawan, Bailey Road, Patna.
4. Electric Superintending Engineer, South Bihar Power Holding Company, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Kumar @ Alok Kr Shahi, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC 9
For the SBPHC	:	M/s Vinay Kirti Singh, Sr. Advocate
		Venkatesh Kirti
		Akhileshwar Singh, Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL ORDER

- 3 19-07-2024
1. Heard learned counsel for the parties.
 2. The petitioner has filed the writ application for the following relief:

“ Issuance of writ in the nature of Mandamus for directing the respondents to pay compensation of Rs. 10 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.

III) For any other consequential reliefs for which the petitioner are entitled during course of hearing of this writ petition, and in the facts of this case.”

3. At the outset, Learned counsel for the respondents contended that since this matter is squarely covered under the order dated 10.07.2024 passed in **CWJC No. 8753 of 2021 (Manju Devi Vs. The Principal Secretary Dept. of Energy, Vidyut Bhawan, Patna & Ors.)**, this writ petition may also be disposed of on the same term and conditions.

4. Learned counsel for the petitioner has stated that due to the negligence of the respondent Company the husband of the petitioner got electric shock and died. The petitioner has demanded Rs. 10 lakhs as compensation from the respondents.

5. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. 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 (Anil Kumar Vs. The State of Bihar & Ors.)** 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.

6. Having regard to the above made submissions of the respondent-Company 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.

7. 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.

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

(G. Anupama Chakravarthy, J)

Spd/-

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