

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19108 of 2021

Shanti Devi, wife of Late Shankar Sah, resident of Village Kamari, P.S. Pasraha and District Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Energy Department, Government of Bihar, Patna.
2. The North Bihar Power Distribution Company Ltd. through its Chairman, Bailey Road, Patna.
3. The Deputy General Manager (Personal), North Bihar Power Distribution Company Ltd., Bailey Road, Patna
4. The Executive Electrical Engineer, Electricity Office, Khagaria, P.O., P.S. and District Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Adv.
For the Respondent/s	:	Mr.Abbas Haider (SC6)
		Mr. Syed Hussain Majeed, Adv.
For the SBPDCL		Mr. Vinay Kirti Singh, Sr. Adv.
		Mr. Akhileshwar Singh, Adv.
		Mr. Vankatgesh Kirti, Adv.

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

13 07-08-2024 Heard the learned counsel for the parties.

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

“For issuance of an appropriate writ, order or direction commending the respondents to pay an adequate compensation to the petitioner on account of death of her husband due to electrocution from the naked hanging wire passing



through the roof of the petitioner's house due to negligence and improper maintenance by the electricity department, which touched the body of the deceased."

3. Learned counsel for the petitioner has stated that due to the negligence of the respondent-Corporation the husband of the petitioner came in contact with live wire which was dangling on the roof and died immediately due to electrocution. That 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. That 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.

Bhardwaj/-

(A. Abhishek Reddy , J)

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