



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-14838-2018 (O&M)

Date of decision: 23.08.2024

Kamlesh Rani

...Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sumit Gupta, Advocate for the petitioner.

Ms. Akshita Chauhan, DAG Punjab.

Mr. Alok Mittal, Advocate for respondents No.2 to 4.

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for grant of compensation on account of alleged negligence against respondent-Distribution Licensee resulting into tragic death of Husan Preet Sharma, son of the petitioner at the age of 30 years.

2. Learned counsel for the petitioner contends that Husan Preet Sharma (since deceased) was working as Draftsman/Architect by sitting in the Court Complex, Barnala and was earning a sum of Rs.40,000/- to Rs.50,000/- per month. He contends that on 06.04.2017, the deceased had gone to the house of Sandeep Kumar son of Pal Singh Khurmi to prepare a map of the house. When Husan Preet Sharma went on the roof of first floor through the house of Atma Singh Bihla adjoining the house of Mohinder Kaur to measure the common wall, the wires of 66 KV passing near the said roof at a height of about 5 feet pulled towards the deceased causing an



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electrocution death. Reference is made to the DDR as well as the Postmortem report that have been appended. It is averred that the cause of death was clearly on account of electrocution and that the Chief Electrical Inspector himself had submitted in his report that the high tension wires were passing over roofs at a height of about 5 feet. Various lapses were noticed by the Chief Electrical Inspector in his communication bearing memo No.8959 dated 22.12.2014 sent to the respondent-Distribution Licensee.

3. Learned counsel for the petitioner contends that a similar controversy came up before this Court in CWP-12894-2023 titled as Deepak Sharma and another Vs. State of Haryana and others, which was disposed of vide order dated 09.05.2024 granting an interim compensation and liberty to the petitioners-claimants thereof to pursue for any further relief before a competent Court.

4. Learned counsel appearing on behalf of respondents No. 2 to 4 however contends that there is dispute with respect to the manner in which the accident in question took place and that such disputed questions of facts cannot be gone into by this Court. He further contends that there was no negligence on the part of the respondent-Distribution Licensee and that the accident in question has apparently happened on account of negligence of the deceased himself in jumping over the wall from the house belonging to Atma Singh Bihla on to the courtyard of the house where the surety had to be conducted. Hence, the respondent-Distribution Licensee cannot be held liable to pay compensation.



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5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

6. A height of 5 feet for a high tension wire cannot be said to be a safe distance. Invariably, whether the construction under the transmission lines was raised in violation of law or the transmission lines had been erected at an unspecified height is a matter which is yet to be ascertained between the parties by leading evidence but the fact remains that in either of the said circumstance, the respondent-authorities have failed to enforce the statutory provision of removing/not allowing the unauthorized construction to be erected.

7. Accordingly without going further into the merits of the matter, the present writ petition is disposed of in terms of the aforesaid order dated **09.05.2024** passed in the matter of **Deepak Sharma and another (supra)**.

8. **Learned counsel for the petitioner contends that the** interim compensation as awarded in the said case be granted in favour of the proforma respondents i.e. the widow and the minor children. Accordingly, an interim compensation of Rs.5 lakhs be released in favour of the widow to the extent of 50 per cent while 25 per cent each with respect to the minor children is to be kept in the shape of a fixed deposit in a nationalized bank fetching higher rate of interest.

9. **Ordered accordingly.**

(VINOD S. BHARDWAJ)
JUDGE

23.08.2024
Mangal Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No