



CWP-27834-2018

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-27834-2018

Date of decision:12.01.2026

NASIM

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Deepak Vashisth, DAG, Haryana,
for respondents No.1 to 4.

None for respondent No.5.

Mr. Ashish Kapoor, Advocate and
Mr. M.S. Rana, Advocate
for respondent No.6.

SUVIR SEHGAL, J.

1. This petition has been filed, *inter alia*, for issuance of a writ in the nature of mandamus directing respondents to grant compensation on account of loss of human lives and property in a blast of a gas cylinder.

2. Counsel for the petitioner states that a blast of gas cylinder took place in the residence of petitioner on 30.04.2009 and seven family members were scorched in fire. There was a loss of household articles worth Rs.2 lacs, which were burnt in fire. Reference has been made by him to post-mortem reports as well as death certificates, Annexure P-4 (colly) to assert that death

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was a consequence of burn injuries and complications arising thereafter. Counsel asserts that a report was lodged with the police and he raised a claim for grant of compensation. He states that report, Annexure P-5, was sent by revenue officials confirming the incident. Reliance has also been placed by him upon an affidavit, Annexure P-6, executed by a resident of village, who was an eye witness. Counsel asserts that despite repeated representations, he has not been compensated for the loss of valuable life of his family members.

3. Writ petition has been contested by respondents by filing separate responses. In response filed on behalf of respondents No.2 and 3, it has been stated that incident does not fall within the category of natural calamity and by a communication dated 20.06.2012, Annexure R-1, petitioner was informed that State Government cannot grant any compensation to him. Deputy Superintendent of Police, Samalkha, respondent No.4, has filed a reply stating that seven person died in a blast on 30.04.2009. It has been submitted that after completion of the proceedings under Section 174 Cr.P.C., dead bodies were handed over to family members. A separate written statement has been filed on behalf of Indian Oil Corporation Limited, respondent No.6, wherein the factum of bursting of gas cylinder has been denied. It has been stated that fire incident took place due to bursting of oil drums, in which fuel had been kept at the shop of Farooque, brother of petitioner. Reliance has been placed upon report of the Fire Brigade Department, Annexure R-6/2. A categorical stand has been taken by aforesaid respondent that there was no gas connection in the name of petitioner or his brother on the date of incident.



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4. After having heard counsel for the parties, this Court is of the view that there is a factual dispute regarding the factum of the incident. Although, petitioner has alleged that incident took place due to bursting of a gas cylinder, but from a perusal of response filed by respondent No.6, it transpires that probably the incident took place as oil drums caught fire. Petitioner has not controverted the stand taken by respondents. Moreover, petitioner has not brought on record any policy or instructions issued by Government or by Oil Company, which provides for grant of compensation in cases of loss due to blast of a gas cylinder. Petitioner has not been able to satisfy the Court that he is entitled to compensation on account of incident, which in itself is in dispute. It has been observed by Supreme Court in *Chairman, Grid Corporation of Orissa Ltd. Vs. Sukamani Das (1999) 7 SCC 298* that where disputed questions of facts are involved, a petition under Article 226 of the Constitution is not a proper remedy.

5. Petition is dismissed as not maintainable. Liberty is granted to the petitioner to take recourse to ordinary civil remedy, if so advised.

12.01.2026
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No