

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 75 of 2018

1. Shri. Rajabor Shanoi, aged about 52 years a permanent resident of Leishokching Village, P.O-Pallel & P.S- Chandel, Chandel District, Manipur.
2. Master. Chandoi Shanoi, aged about 13 year, S/o Rajabor Shanoi, a permanent resident of Leishokching Village, P.O-Pallel & P.S- Chandel, Chandel District, Manipur.

.....Petitioners

-Versus-

1. The State of Manipur, represented by the Commissioner (Power)/Chief Secretary (Power), Government of Manipur.
2. The Secretary (Power) Government of Manipur.
3. The Managing Director, MSPDCL, Near 2nd MR, North A.O.C., P.O. Lamlong, P.S. Imphal, Imphal East District, Manipur.
4. The Secretary, MSPDCL, North A.O.C., P.O. Lamlong, P.S. Imphal, Imphal East District, Manipur.
5. The Deputy General Manager, MSPDCL, Imphal East District.

.....Respondents

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR. JUSTICE KH. NOBIN SINGH**

For the petitioners	::	Mr. S. Thoi Thoi Meitei, Advocate
For the respondents	::	Mrs. Momota Devi Oinam, Addl. AG, Ms. Beedyasaree M, Advocate.
Date of hearing & Judgment & Order	::	29.11.2018.

JUDGMENT AND ORDER

(ORAL)

R.S., CJ

[1] The writ petition has been filed seeking compensation for the following reliefs :-

- “ii. Direct the respondents to pay the compensation of ***Rs.1,12,95,000/-*** (One core twelve lakhs and ninety five thousand only) within stipulated time period fixed by this Hon’ble High Court as deemed reasonable for sheer negligence that cause amputation of the left hand below the elbow and injuries to the petitioner No.2.
- iii. Direct the respondents to consider the petitioner No.2 (minor victim) for suitable and appropriate permanent employment on compassionate ground either at electric Department or under the State Government when attending the age of 21 years.”

[2] The case of the petitioners is that the petitioner no.2, minor boy of the petitioner no. 1 was playing on the roof of a building where he came in when he was electrocuted on 20th October, 2017. Due to the serious injury caused the left hand below elbow was amputated.

[3] Petitioner no. 1 is the agriculturist by occupation. He is at great difficulty to send the boy in a school and as the boy has suffered the electrocution. He is unable to pursue his study as before because of the burnt injuries and amputation (Annexure-A/2 to the writ petition). The police complaint is at Annexure-A/3 to the writ petition. The injured boy was treated at the Raj Medicity Hospital. The treatment particulars are at Annexure-A/4.

[4] Alleging that the Electricity Department had not taken proper care in relation to the High Voltage Transmission Line which resulted in

causing the electrocution and injury, the present plea for compensation is made.

[5] It is pleaded by the petitioner that the sum of Rs. 10 lakhs is required for compensating the cost of treatment already given and the damages for the injury caused to the boy.

[6] At the outset, the respondents state that the electrocution was caused by the construction by the owner of the building who while constructing the ground floor house had extended the iron rods for the purpose of RCC beam to a height which was almost touching the high tension wires.

Learned AG supports this plea on the basis on the photographs which are annexed to the reply affidavit.

[7] The respondents Electricity Department plead that safety measures have been taken. It is the fault of the owner of the building erecting of iron rod to such a height resulting in electrocution.

[8] Be that as it may, a perusal of the pleadings, considering the nature of pleading of the petitioner and the stand of the respondents, there appears to be a case of fault on the part of the owner of the building in putting up construction and while doing so, erection of iron rods that is almost touching the existing high tension electric wires. As to whether the electricity department could be held responsible for the conduct of the builder of the household is a question that has to be resolved. The next issue is whether on the unfortunate day when the event took place the electric transmission wire was faulty has to be verified.

[9] Facts have to be clarified by a proper enquiry and only thereafter, the electricity department can be called upon to pay compensation. Therefore, in view of the above background, we are directing the respondents no. 1 and 2 to consider payment of ex-gratia

amount to the victim. We direct the Secretary (Power), Government of Manipur to hold an enquiry with the officers of the Electricity Department, the petitioner, owner of the house, Deputy Commissioner, Imphal East and the Municipality authorities to come to the conclusion as to who was at fault. On such decision being taken, the authority will decide who has to pay the compensation. The petitioner counsel can plead on behalf of the petitioner.

[11] Directing as above, petition stands closed.

JUDGE

CHIEF JUSTICE

FR/NFR

Sushil