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**(2019) 08 RAJ CK 0313**

**In the Rajasthan High Court**

**Case No : Civil Writ Petition No. 11865 Of 2019**

Jodhpur Vidhyut Vitran Nigam Ltd

APPELLANT

Vs

Kalwant Singh And Ors

RESPONDENT

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**Date of Decision : 14-08-2019**

**Acts Referred:**

Legal Services Authorities Act, 1987 — Section 22A, 22A(b)(iii), 22C, 22E  
Constitution Of India, 1950 — Article 226, 227

**Citation : (2019) 08 RAJ CK 0313**

**Hon'ble Judges : P.K. Lohra, J**

**Bench : Single Bench**

**Advocate : Vikram Choudhary**

**Final Decision : Dismissed**

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## **Judgement**

Petitioner Jodhpur Vidhyut Vitran Nigam Limited has filed this writ petition under Article 226 & 227 of the Constitution to assail judgment and award dated 22nd of April, 2019, rendered by Permanent Lok Adalat, District Sri Ganganagar. By the impugned judgment and award, learned Permanent Lok Adalat partly allowed the claim petition of first respondent under Section 22-C of the Legal Services Authorities Act, 1987 (for short, 'Act').

The facts, in brief, are that respondent Kulwant Singh filed an application/complaint before the Permanent Lok Adalat, inter-alia, on the ground that his agricultural command land situated at Chak 3-B of Badi Tehsil, District Sri Ganganagar bearing Killa No.16-17-24-25 and parallel to that Killa Nos.18 & 23 of Murabba No.5, admeasuring 10-10 biswa, total 5 bigha, is yielding agriculture produce including wheat crops. It is further averred by respondent that petitioner-Department has installed 11000 KV line and its poles are also erected in his agricultural field. It is further averred that from time to time agriculturists of the area apprised the petitioner-Department that wheat crop is ripe and 11000 KV line is loosely knitted, and therefore, due to natural calamity of high flow of air, the crop can be damaged. However, despite requests made no heed was paid by

the department and all the efforts of agriculturists went to deaf ears. It is further averred that on the fateful day of 21st April, 2018 due to storm and thunder, the loose wires joined each other and that created sparks resulting in breaking out fire at the site and wheat crop of the complainant burned to ashes. In totality, attributing total callousness and negligence on the part of petitioner-Department, the respondent complainant claimed damages to the tune of Rs.2,00,000/- with Rs.50,000/- towards mental distress and Rs.11,000/- for litigation expenses.

Complaint/claim is contested by petitioner-Department by filing return and refuting all the averments.

The learned Permanent Lok Adalat made endeavour to settle the dispute amicably but when its efforts failed, the dispute was adjudicated on merits.

In support of his claim, the respondent-complainant submitted the FIR which was lodged by him with police and the report of Patwari so also filed his own affidavit. As against the clinching evidence furnished by respondent-complainant, no tangible evidence was produced by the petitioner to show regular maintenance of 11000 KV electric line and therefore the learned Permanent Lok Adalat on the basis of materials available on record found petitioner-Department negligent in maintenance of electricity lines. The learned Permanent Lok Adalat also recorded its finding that it was total callousness and negligence of the petitioner-Department that has resulted in loss of agricultural produce to the respondent-complainant. In totality, while moderately assessing damages, the learned Permanent Lok Adalat by the impugned judgment and award allowed compensation to the respondent-claimant to the tune of Rs.60,000/- plus Rs.3,000/- as litigation expenses and Rs.5,000/- for mental distress suffered by him. That apart, the learned Permanent Lok Adalat also awarded interest @ 8% per annum from the date of filing of the complaint/application in the event of non-payment of compensation amount within two months from the date of award.

I have heard learned counsel for the petitioner and perused the impugned judgment and award.

There remains no quarrel that the subject matter of complaint falls in 'public utility service' within the definition of Section 22-A of the Act. Section 22-A(b)(iii) defines with clarity and precision supply of power as public utility service. Section 22-E also makes it crystal clear that award of Permanent Lok Adalat is final; which cannot be called in question in any original suit, application or execution proceeding.

Be that as it may, the fact remains that the petitioner has invoked supervisory jurisdiction of this Court under Article 227 and therefore on this count petitioner cannot be non-suited, however, the jurisdiction under Article 227 is very much limited and circumscribed. In exercise of supervisory jurisdiction, concern of the Court is to see whether the inferior court or tribunal has proceeded within its parameters and not to correct an error apparent on the face of record much less an error of law. The Court, while exercising supervisory jurisdiction, cannot act

as an appellate Court so as to re-appreciate, review and re-weigh the evidence. The power of interference under Article 227 of the Constitution is restricted to interference in cases of grave miscarriage of justice, dereliction of duty, or flagrant violation of law by the subordinate court.

Upon perusal of the impugned judgment and award, I am afraid, no miscarriage of justice, dereliction of duty or flagrant violation of law is forthcoming so as to exercise supervisory jurisdiction. The learned Permanent Lok Adalat has passed the impugned judgment and award after thoroughly examining the matter in strict adherence of law, therefore, no interference with the impugned judgment and award is warranted.

Consequently, the petition fails and same is, hereby, dismissed in limine.