
(2014) 01 P&H CK 0295
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 6756 of 2011 (O and M)

Punjab State Power Corpn. Ltd.

APPELLANT

Vs

Chairman/Member/Examiner Permanent Lok Adalat

RESPONDENT

Date of Decision : 08-01-2014

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2014) 175 PLR 628

Hon'ble Judges : Ritu Bahri, J

Bench : Single Bench

Advocate : R.S. Aulakh, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Ritu Bahri, J.—This petition under Article 226/227 of the Constitution of India is for issuance of writ in the nature of certiorari for quashing the order dated 07.01.2011 passed by learned Permanent Lok Adalat (Public Utility Services), Ferozepur vide which the claim of the respondent has been allowed by awarding him Rs. 2 lacs as compensation. Brief facts of the case are that on 13.05.2010, thatched cattle shed of respondent No. 2 caught fire as a result of which nine heads of cattle had perished. Respondent No. 2 alleged that the cattle shed had caught fire as a result of sparking from the loose electric wire running over it. He lodged Daily diary report No. 30 dated 14.05.2010 in Police Station, Zira. As per post mortem of the dead animals conducted from Veterinary Hospital, Khosa Dal Singh, the cattle had perished due to burn injuries. Thereafter, Parveen Kumar ASI visited and inspected the spot and he found that the jumpers of the electric poles near the cattle shed of the respondent and the electric wires connected therewith were loose, as a result of which there was sparking from the jumpers which caused fire to the thatched cattle shed.

2. Permanent Lok Adalat summoned Bhim Sain Patwari, Didar Singh, Sarpanch, Dalip Singh Ex Sarpanch, Thakar Singh also Ex Sarpanch, Manjinder Singh, Manak Singh and Nachattar Singh, cultivators of village Lehra Rohi where the

occurrence had taken place. They deposed that the cattle shed of the applicant had caught fire as a result of sparking from the electric wire.

3. Keeping in view that the incident had taken place on 13.05.2010, when weather was very hot and in such an environment sparking from the jumpers of the electric poles is always possible because they are likely to get loose due to the pressure of blow of the hot winds. In that climate, hot winds can carry the sparking to a considerable distance. During those days, catching of fire of a thatched cattle shed which is always vulnerable to fire, as a result of sparking in the jumpers at a distance of 12-13 feet was not impossible. Thus, Rs. 2 lacs had been awarded in favour of the applicant-Mohinder Singh, vide order dated 07.01.2011

4. The petitioner in the present case is challenging the above said order dated 07.01.2011 by making reference to a report dated 28.06.2010 of Asstt. Executive Engineer, Power State Corpn. Ltd. Zira Ferozepur in which it has been stated that at the date of the incident, there was no break-down or tripling where the fire was caught. The incident was not due to the electric shock, but due to some other reason and further the cattle shed of the animals was at the distance of 10-12" feet from the poles of department and fire could not travel so far even if there was sparking.

5. The respondent No. 2 in his written statement has referred to statement of Bhim Sain Patwari, Didar Singh, Sarpanch, Dalip Singh Ex Sarpanch, Thakar Singh also Ex Sarpanch, Manjinder Singh, Manak Singh and Nachattar Singh, cultivators of village Lehra Rohi where the occurrence had taken place. They deposed that the cattle shed of the applicant had caught fire as a result of sparking from the electric wire. Bhim Sen Patwari visited the spot along with the Naib Tehsildar and not only made report but also made a statement on oath and stated that electric pole is at a distance of only five feet from the place of the occurrence and the fire to the chhappar has been caused due to sparking of the pole head wires. His statement has been corroborated on oath by Sarpanch, Ex Sarpanch and four other respectable persons of the village (R-2/1).

6. Further as per post mortem report of the dead animals conducted from Veterinary Hospital, Khosa Dal Singh, the cattle had perished due to burn injuries (R-2/2A). The Permanent Lok Adalat as per Section 22-D of the Act and the Indian Evidence Act, 1872, wherein while conducting conciliation proceedings or deciding a dispute on merit under this Act, it is to be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872 After going through the entire petition, order dated 07.01.2011 passed by learned Permanent Lok Adalat (Public Utility Services), Ferozepur does not require any interference by this Court

The writ petition is dismissed.