

(2005) 06 UK CK 0029

In the Uttarakhand High Court

Case No : Writ Petition No. 602 of 2005 (M/B)

Smt. Shashi

APPELLANT

Vs

Uttaranchal Power Corporation Ltd. and Others

RESPONDENT

Date of Decision : 15-06-2005

Acts Referred:

Citation : (2005) 3 UC 1882

Hon'ble Judges : Cyriac Joseph, C.J.;Rajesh Tandon, J

Bench : Division Bench

Advocate : Shri Amrish Aggarwal, for the Appellant; Shri B.D. Upadhyaya for Respondent No. 1 and 2, for the Respondent

Judgement

Hon"ble Cyriac Joseph, C.J.—The Petitioner is the wife of Late Sri Harcharan Singh who allegedly died due to electrical shock on account of snapping of electrical wire because of the negligence of the functionaries of the Uttaranchal Power Corporation. She prays for a writ of mandamus commanding Respondents Nos. 1&2 to pay to her a compensation of Rs. 11 lacs on account of the death of her husband. Before approaching the Court praying for a writ of mandamus, the Petitioner has not made any demand to Respondents Nos. 1 and 2 and the said Respondents had no opportunity to consider such a demand. The Petitioner is not entitled to approach this Court for a writ of mandamus unless the Petitioner has made a demand to the Respondents and the said demand has been either declined or ignored by the Respondents. Hence, this writ petition is premature.

2. It is open to the Petitioner to submit a representation to the first Respondent making a demand for compensation. We have no reason to assume that the first Respondent will not consider such a representation and take appropriate decision if such a representation is submitted to the first Respondent.

3. Mr. Amrish Aggarwal, Learned Counsel for the Petitioner submits that the Petitioner will make representation to the first Respondent as observed above and that the first Respondent may be directed to consider the representation and

take appropriate decision in the matter within a time to be stipulated by this Court. Having regard to the facts and circumstances of the case and in the interest of justice, we are inclined to allow this request.

4. Hence, the writ petition is disposed of with a direction that if the Petitioner makes a representation to the first Respondent regarding the alleged death of the Petitioner's husband and demanding compensation, the first Respondent shall consider the said representation and take an appropriate decision and communicate the same to the Petitioner as expeditiously as possible and at any rate, within a period of two months from the date of receipt of the representation. We make it clear that we have not considered or pronounced upon the merits of the claim of the Petitioner.