



WP(MD)No.4388 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **04.10.2023**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.4388 of 2020

B.Kumar

...Petitioner

/Vs./

- 1.The State of Tamil Nadu Represented by
The Principal Secretary,
Department of Energy,
St George Fort,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Ramanathapuram District.
- 3.The Chairman,
Tamil Nadu Electricity Board,
Chennai.
- 4.The Superintending Engineer,
Tamil Nadu Electricity Board,
Ramanathapuram District.
- 5.The Executive Engineer,
Tamil Nadu Electricity Board,
Near RTO Office,
Bharathi Nagar,
Ramanathapuram District.



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6.The Assistant Engineer,
Tamil Nadu Electricity Board,
Mandapam Camp,
Ramanathapuram District.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay fair and reasonable amount of compensation for the death of the petitioner's father by electric shock on 16/09/2019 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Ms.Farjana Ghoushia (R1 & R2)

Special Government Pleader

Mr.S.Dheenadhayalan (R3 to R6)

Standing Counsel

ORDER

This writ petition has been filed for issuance of writ of mandamus, directing the respondents to pay compensation for the death of the petitioner's father due to electric shock on 16.09.2019.

2. The case of the petitioner is that on 16.09.2019, the father of the petitioner left the house in order to fix the water pump motor. Since it was in repair, he wanted to purchase some parts and hence was leaving to Mandapam.



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While passing through Nadar Kudierupu Street, Murugan Kovil, the father of the petitioner was electrocuted, when his left ankle came in contact with barbed fencing wire and as a result, father of the petitioner died on the spot. The body of the deceased was taken for post mortem and it was opined that he died due to electric shock. According to the petitioner, the demise of his father had taken place only due to the negligence on the part of the Electricity Department and hence, the petitioner has filed the present writ petition seeking for compensation.

3. The fourth respondent has filed counter affidavit and relevant portions in the counter are extracted hereunder:-

“3. I respectfully submit that on 16.09.2019 the petitioner's father by short cut to Ramanthapuram High Ways he had crossed other persons lands. The Service Connection No. 308-012-456 belong to Valliammal. Whose grandson Poonraj without getting prior permission had un-authorizetly extended the service connection 105 meter way from the meter point through his house without proper wiring and line and power leaked in the iron fencing and the petitioner's father touched line in his hand and electricity passed through their body and conducted to earth through leg of the deceased.

4. I respectfully submit that the respondent has provided Electricity Service Connection No. 308-012-456 stands in the name of the K. Valliyammal. In the year of 2008, the respondent



was providing electricity service connection Valliyammal House meter point which is 26 meter away from the pole. The Valliyammal has totally 55 cents in Nadar Kudiurppu. Subsequently, the said Valliyammal died and her grand son namely Poonraj constructed house without getting new electricity service connection unauthoriztly extended his grandmother electricity service connection and used his house. The Poon Raj extended service connection without proper wiring they extended through Bamboo wood and due to heavy rain line power leaked in the iron fencing. The said Poon Raj in order to reach road their land used as path way for his own purpose. But the deceased, in order reach Ramanathapuram Highways crossed other persons land and reached Poon Raj land and was electrocuted in the iron fencing. There is no negligence on the part of the respondent.

5. I respectfully submit that the said Poon Raj is committed offence of unauthority use of electricity and he is ought to pay compensation charges Under Section 126 of Electricity Act 2003 and he is liable to pay compensation of the deceased of petitioner's father. The respondent is not responsible to pay compensation to the petitioner.

6. I respectfully submit that the electric accident was not informed to the respondent. After receipt of the petitioner's representation dated 09.10.2019, the concern Assistant Engineer inspected on 10.10.2019 and found that the Electricity Service Connection No. 308-012-456 stands in the name of the K. Valliyammal and her grandson namely Poon Raj had unauthorizetly extended the service connection 105 meter way from the meter point through his house without proper wiring and line



power leaked in the iron fencing and the petitioner's father touched line and was electrocuted. The Electricity Board is carrying out monthly maintenance and therefore there is no negligence on the part of the respondents. The electricity board is liable from meter board to external wiring work alone. The Internal wiring work is consumer liability."

4. Heard Mr.R.Alagumani, learned counsel appearing for the petitioner, Ms.Farjana Ghoushia, learned Special Government Pleader appearing for the respondents 1 and 2 and Mr.S.Dheenadhayalan, learned Standing Counsel for the respondents 3 to 6.

5. On carefully going through the materials available on record and after considering the submission made on either side, it is seen that there is a factual dispute as to whether there was negligence on the part of the Electricity Department, which caused the death of the petitioner's father. According to the petitioner, his father came in contact with a barbed fencing wire and was electrocuted.

6. The case of the Department is that one Ponraj had unauthorizedly extended the service connection to his house without any proper wiring and the line power leaked in the barbed fencing wire. Unfortunately, the father of the petitioner came in contact with barbed fencing wire and was electrocuted.



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Therefore, the Department has taken a stand that there was absolutely no negligence on the part of the Department and therefore, they are not liable to pay any compensation to the petitioner.

7. In the considered view of this Court, TANGEDCO has issued proceedings No.6, dated 16.10.2019 and has fixed exgratia payment that is payable on compassionate grounds for accidents taking place due to electrocution. Insofar as fatal accidents are concerned, exgratia payment has been enhanced to Rs.5,00,000/-. Hence, without going into the issue as to whether there was negligence on the part of the electricity department, it will suffice if this exgratia payment is directed to be paid to the petitioner as per the proceedings of the TANGEDCO, dated 16.10.2019.

8. In the light of the above discussion, there shall be a direction to the fifth respondent to pay exgratia payment of compensation amount of Rs. 5,00,000/- to the petitioner as per the proceedings No.6, dated 16.10.2019 within a period of eight weeks from the date of receipt of a copy of this order. If according to the petitioner, he is entitled for more compensation, the petitioner has to work out his remedy before the competent civil Court, since the case involves disputed question of fact.



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9. This writ petition is disposed with the above direction. No costs.

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NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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TO:

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St George Fort,
Chennai.
- 2.The District Collector,
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.4388 of 2020

Dated:
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