



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.06.2023

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THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.28373 of 2022

S.Jeyamurugan

... Petitioner

vs.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.

3.The Tahsildar,
Kadaladi, Ramanathapuram District.

4.The Assistant Director,
Animal Husbandry Department,
Collectorate Campus,
Ramanathapuram District.

5.The Superintendent Engineer,
Tamil Nadu Electricity Board,
near RDO Office,
Bharathi Nagar, Ramanathapuram-623 503.

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

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay compensation to the petitioner for the death of 44 goats because of the electricution death due to the negligence of the respondents.

For Petitioner	:Mr.R.Velmurugan
For R1 to R4	:Mr.D.S.Nedunchezian
	Government Advocates
For R5 and R6	:Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the respondents to pay compensation to the petitioner for the death of 44 goats owing to electrocution caused according to the petitioner, owing to the negligence of the respondents.

2.Heard Mr.R.Velmurugan, learned Counsel for the petitioner, Mr.D.S.Nedunchezian, learned Government Advocate for the respondents 1 to 4 and Mr.S.Deenadhayalan, learned Counsel for the respondents 5 and 6.



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3.It is stated that on 24.02.2021, the goats of the petitioner were kept in a field at Periyakulam, which had belonged to the mother of the petitioner herein. On 25.02.2021, when at about 05.00 am, the father of the petitioner went to see the goats, live wire was on the field and 44 goats were found dead. Thereafter, the petitioner and his parents went and saw the incident. The live wire was broken and fallen on the ground and it is stated that owing to that particular incident, the goats were electrocuted and died. A complaint was given to the Inspector of Police, Sayalkudi at Ramanathapuram District and an FIR in Cr.No.58 of 2021 was registered as accidental fall of the live electric wire. The Animal Husbandry Doctor, who conducted postmortem on the goats, had given a certificate on 01.03.2021 that 39 female sheep and 5 male sheep had died on 24.02.2021 at 11.00 am. The death was due to respiratory or cardiac arrest because of shock induced by high voltage electric current (electrocution).

4.The petitioner valued the 44 goats at Rs.3,23,500/-. The Village Administrative Officer, Periyakulam, Kadaladi Taluk, Ramanathapuram District had recommended grant of compensation, vide letter, dated 02.03.2021. The petitioner had also given a representation to the District



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Collector. This was forwarded to the second respondent and the fourth respondent to take necessary action. But the second and fourth respondents, Revenue Divisional Officer, Paramakudi and Assistant Director, Animal Husbandry Department, Ramanathapuram District had not taken any action.

5.The petitioner claims that owing to the negligence of the respondents, particularly, the Electricity Officials, who had been impleaded as Respondents 5 and 6, the electric wire, which was running over the field, had snapped and because the live wire fell down, the goats were electrocuted and died.

6.In the counter, it had been stated as follows

“4.It is respectfully submitted that the petitioner has 200 goats, on 24.02.2021 the petitioner after grazing the goat, the goats were kept in the field which is belongs to the petitioner's mother. On 25.02.2021 the petitioner's father went to see the goats and that time the petitioner's father found that the 44 goats were dead due to snapped wire and the same was informed to the petitioner and based on the information the petitioner lodged a complaint before the Sayalkudi Police Station and a case is registered in Crime No.58 of 2021 as Accidental Fall.

5.It is respectfully submitted that I deny the para 4 of the affidavit. There is no negligence on part of the TANGEDCO Officials. The lines were well maintained as per the act and periodically



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checked the lines. The HT 11 KV Lines pass above the petitioner's mother land, the accident occurred due to 11KV Pin Insulator Flashed over and fall on goats which is lying under the lines. Eventhough the Tangedco Officials had periodically advice the public stating that not to stay or not to do any work under the Electric Lines. Inspite of the advice given by the TANGEDCO Officials the petitioner had kept his goat in the field where the lines was passing above. There is no negligent on the respondents. If the petitioner followed the advice of the respondent officials the above said accident would not happened. Eventhough as per Board Proceedings also the petitioner cannot claim any compensation for Goats. In the Board proceedings in B.P.No.6 dated 16.10.2019 it is for clearly mentioned that compensation for the animals only for (Cow/Buffalow/Bullock)."

7. One fact stands out that HT 11 KV lines, which were passing over the lands were found to have snapped and lying on the ground. The responsibility of that is of the fifth and sixth respondents. The overhead lines cannot snap by themselves and fall on the ground. Even if they had fallen on the ground, it should have been ensured that the electricity does not flow to the other end. The electricity supply should have been cut immediately by the fifth and sixth respondents.

8. They cannot claim that merely because the goats died, they need not pay compensation, but, whereas, if cows, buffaloes, bullocks had died, they would pay compensation. This stand of the respondent defies logic. A compensation is payable for any animal, which provides a life



line and from which, commercial exploitation is possible. From goats also, milk can be obtained and they can also be sold. The loss of the goats is a monetary loss to the petitioner herein.

9.It is stated by the learned Counsel for the petitioner that if a cow/buffalo/bullock had died due to electrocution, the respondents would pay compensation of Rs.10,000/- for each animal. Here, the fact that goats died due to electrocution is clear. The goats did not walk around got in contact with any electric line. They were standing in the field. The live wire fell down on the ground. If water was in the field, the entire field would have current flowing through it and anybody, who stepped would get electrocuted. It is very fortunate that there has been no death of a human being.

10.Let me therefore be a little rationale in this aspect and give half the compensation, which is payable for the death by electricution to a cow, buffalo and bullock and grant Rs.5,000/- per goat. It is stated that 44 goats were died. The amount of compensation payable is Rs.2,20,000/-.



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11.It is also seen that the fact of death of the goats had not been denied by the respondents. The fact that they died by electrocution is established by the postmortem report of the Doctor. The fact that the incident happened is made out by the registration of an FIR.

12.Therefore, viewed from any angle, the fifth and sixth respondents are liable to pay compensation. Compensation is determined at Rs.2,20,000/-. If the petitioner is of the opinion that higher compensation should be paid, then they can always approach the Civil Court provided the law of limitation is on their side. The Writ Petition has been filed on 14.02.2022 and it is disposed of on today/12.06.2023. This interregnum period may be taken advantage under Section 14 of the Limitation Act, 1963, if a civil suit is to be filed.

13.The Writ Petition stands allowed as against the fifth and sixth respondents, but dismissed as against the respondents 1 to 4. No order as to costs.

Index :Yes / No
NCC : Yes/No
cmr

12.06.2023



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C.V.KARTHIKEYAN, J.

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