



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2015

CORAM:

THE HONOURABLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

THE HONOURABLE DR.JUSTICE S.TAMILVANAN

W.A.(MD).No.28 of 2015

and

M.P.(MD)No.1 of 2015

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-9.

2.The District Collector,
Virudhunagar District,
Virudhunagar.

3.The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.

: Appellants/Respondents 1, 2 & 5

Vs.

1.Smt.P.Muthurakku

: Respondent/Petitioner

2.Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Veeracholan, Virudhunagar District.

3.Assistant Executive Engineer (Distribution),
Respondent/Petitioner,
Tamil Nadu Electricity Board,
Kariapatti, Virudhunagar District.

: Respondents/Respondents 3 & 4

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent against the order of this Court dated 02.09.2014 made in W.P.(MD)No.12580 of 2014.

Prayer in WP(MD). 12580/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the fifth respondent in ந.க./ 25/679/2014, dated 25.01.2014, quash the same and consequently directing the respondents to pay a sum of Rs.11,00,000/- (Rupees eleven lakhs only) as compensation to the petitioner and to the petitioner's family members for damage, as compensation with 12% interest per annum from the date of the claim petition (representation) on 13.01.2014 granting such other and further reliefs.



JUDGMENT

[Judgment of the Court was delivered by
The Hon'ble The Chief Justice]

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The petitioner has suffered a loss of her own house on account of fire caused on 10.01.2014, due to the electric service connection given to the petitioner being damaged on account of rain. The petitioner is a widow with three children. A Writ Petition was filed seeking compensation for sum of Rs.11,00,000/- and the learned Single Judge, by the impugned order, dated 02.09.2014, granted relief to the extent of Rs.2,50,000/- to be paid within four weeks, leaving the parties to the remedy before the Civil Court for any balance claim.

2. The grievance made by the learned Special Government Pleader for the appellants is that no opportunity was given to file their counter affidavit. This plea would have had some force, but for the fact that the order begins by recording as under:-

"With the consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself."

3. The aforesaid shows that the matter was taken up for final disposal, without the requirement of the counter affidavit with the consent of the learned counsel for the parties and thus, no grievance can be made in this behalf.

4. There is no material placed before us yet as to what was the cause for the fire, which took place on 10.11.2014, specifically and whether any negligence is attributed to the Electricity Department or not. Be that as it may, considering, we are in the welfare State and there are various schemes to rehabilitate people from the socially backward sections [the petitioner claims to be one], who are affected by such calamities, the amount, as an interim compensation, has been directed.

5. We are of the view that it is hardly a case, which should come up in appeal by the Government, if it professes to be a welfare State. In case the responsibility for any negligence arises, the respondents/authorities can always recover the amount from the negligent person. But, the petitioner cannot be made to wait for years together, when she is without her home and earth. We are, thus, not inclined to interfere with the exercise of the discretion by the learned Single Judge under Article 226 of the Constitution of India in the impugned order.

6. The Writ Appeal, thus, stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar



To

1. The Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The District Collector,
Virudhunagar District, Virudhunagar.
3. The Tahsildar,
Thiruchuli Taluk, Virudhunagar District.
4. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Veeracholan, Virudhunagar District.
5. The Assistant Executive Engineer (Distribution),
Respondent/Petitioner,
Tamil Nadu Electricity Board,
Kariapatti, Virudhunagar District.

+1cc to MR.R.M.ARUN SWAMINATHAN, ADVOCATE IN SR : 5665

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 6025

Nb

SR : 24.02.2015 : 3p/8c

JUDGMENT MADE IN
W.A. (MD) .No.28 of 2015
06.02.2015