

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.07.2016

CORAM

The Honourable MR. JUSTICE N.KIRUBAKARAN

W.P.No.18575 of 2016

Lingappa

[Petitioner]

Vs

- 1 The Chairman TANGEDCO
Mount Road Chennai.
- 2 The Superintending Engineer
TANGEDCO Krishnagiri District
Krishnagiri.
- 3 The Executive Engineer
TANGEDCO Hosur Krishnagiri District.
- 4 The Assistant Engineer
TANGEDCO Bagalur Hosur Taluk
Krishnagiri District. [Respondents]

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to pay Rs.40,000/- as remaining compensation for the death of the petitioner bull due to electrocution on 02.03.2015 by considering the petitioner representation dated 03.03.2015.

For Petitioner : Mr.S.Sankar for Mr.R.Jayaprakash
For Respondents: Mr.M.Varunkumar, TNEB

ORDER

Mr.M.Varunkumar, learned Standing Counsel takes notice for the respondents.

2. The petitioner's bull died on 02.03.2015 due to electrocution. Therefore, he gave a representation on 03.03.2015 to the 4th respondent demanding a sum of Rs.50,000/- as compensation. Since there was no action, the petitioner approached this Court by filing W.P.No.20573 of 2015. The said representation was directed to be considered by this Court on merits by order dated 10.07.2015. Pursuant to the same, the respondent Board has paid a sum of Rs.10,000/- by way of a cheque, which is admitted by the petitioner in paragraph No.4 of the affidavit filed in support of this writ petition. Since in the original representation, the petitioner claimed a sum of Rs.50,000/- as compensation and only a sum of Rs.10,000/- was paid, he has sought for payment of a sum of the

remaining Rs.40,000/- by again considering his representation dated 03.03.2015.

3. Heard Mr.S.Sankar, learned counsel representing Mr.R.Jayaprakash, learned counsel for the petitioner and Mr.M.Varunkumar, learned Standing Counsel for the Tamil Nadu Electricity Board.

4. When the matter is taken up for hearing, the learned Standing Counsel for the Electricity Board, by producing the Board's proceedings dated 29.04.2013, has submitted that only a sum of Rs.10,000/- has been determined as compensation for the death of a bullock.

5. Since a sum of Rs.10,000/- has already been paid to the petitioner as per his own averment in paragraph No.4 of the affidavit filed in support of the writ petition, the balance amount as sought by the petitioner cannot be directed to be paid to him, since the said amount has not been quantified in the Board's proceedings. Further, though the learned counsel for the petitioner relying upon the Veterinary Doctor's report would contend that the value of the bullock is Rs.35,000/-, the said issue cannot be gone into by this Court under Article 226 of the Constitution of India. It is always open to the petitioner to approach the Civil Court, where both the parties can adduce evidence with respect to the quantum of compensation.

With the above liberty, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

- 1 The Chairman TANGEDCO
Mount Road Chennai.
- 2 The Superintending Engineer
TANGEDCO Krishnagiri District
Krishnagiri.
- 3 The Executive Engineer
TANGEDCO Hosur Krishnagiri District.
- 4 The Assistant Engineer
TANGEDCO Bagalur Hosur Taluk
Krishnagiri District.

+1 cc to Mr.M.Varunkumar, Advocate,SR.37411

+1 cc to Mr.R.Jayaprakash, Advocate,SR.37355.

nr(co)
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