

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Review Application No.49 of 2016

1. Tamil Nadu Electricity Board Ltd.
NPKKR Maligai,
144, Anna Salai,
Chennai - 600 002.
rep. by its Chairman and Managing Director.
2. Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO)
NPKKR Maligai,
144, Anna Salai,
Chennai - 600 002.
rep. by its Chairman and Managing Director.
3. Superintending Engineer,
TANGEDCO,
K.N. Colony Post,
Salem - 636 014.
4. The Assistant Executive Engineer,
Swarnapuri TNEB, Convent Road,
Swarnapuri, Salem - 636 004.

...Petitioners

Vs.

1. S.Ruckmani
2. Ms.B.Bathyaneka ...Respondents

This Review Application has been filed under Order XLVII Rule 1 r/w 114 of the Code of Civil Procedure to review the order passed in W.P.No.40171 of 2015, dated 28.01.2016.

For Petitioners : Mr.S.K.Rameshwar, Standing Counsel
TNEB
For Respondents : Mrs.M.Vidya

ORDER

Heard S.K.Rameshwar, learned Standing Counsel appearing for the applicant/Board, and Mrs.M.Vidya, the learned counsel, accepting notice for respondents.

2. In this Review Application, the applicant/Board is only aggrieved by certain observations made by this Court, in para No.7 of the order passed in W.P.No.40171 of 2015, dated 28.01.2016.

3. The learned Standing Counsel for the applicant/Board would submit that the compensation, as awarded by this Court, in its order, dated 28.01.2016, has been fully paid. This position is not disputed by the learned counsel appearing for respondents/writ petitioners, and, it is submitted by the learned counsel that respondents/writ petitioners have received the total compensation of Rs.5,00,000/-, which is *ad hoc* compensation, since this Court granted liberty to the writ petitioners, stating that, it is open to them to approach competent forum for further compensation, if so advised. In para No.7 of the order, dated 28.01.2016, this Court made the following observations:-

" In fact, the petitioner's case is that in respect of the low tension wires, which are drawn for providing electricity supply to the houses protective plastic casing has been provided, there is no explanation in the counter as to why such protection could not have been extended to the high tension lines, especially, when it is admitted that the lines are passing above a corporation road"

4. The learned Standing Counsel for the applicant/Board, by referring to Regulation 61 of the Central Electricity Authority (Measures

relating to Safety and Electric Supply) Regulation, 2010, submitted that the said regulation stipulates a horizontal clearance of 2.0 metres (6.6 feet) between the existing structure, and the contention of the applicant/Board is that, the line has a clear 8 feet clearance, and the deceased had not followed the statutory provisions contained in Regulation 64, which resulted in his death. Further, it is stated that, nowhere in the said safety regulations, it stipulated that the applicant/Board has to provide plastic casing on the high tension overhead lines, particularly, when there is adequate clearance provided.

5. Learned counsel for the applicant/Board, therefore, contended that the observation made in para No.7 may be treated as precedent, and when the Board is not liable to provide any plastic casing to the high tension line, that cannot be a reason to find fault with the Board.

6. This Court has clearly pointed out in para No.7 that, it has not given any positive direction that protective plastic casing should be provided to the high tension line, this Court only opined that there was no explanation as to why the high tension line should also not be a protective casing,

especially, when it is passing through the Corporation Road. However, since the relevant Regulation do not provide for the same, this Court is, hereby, making it clear that the observation made in para No.7 of the order dated 28.01.2016 passed in W.P.No.40171 of 2015, should not be treated as direction, or finding against the applicant/Board, and it is only the observation made, so as to mould the relief in favour of the writ petitioners, and the said observations cannot be taken advantage by the respondents/writ petitioners, in the event of approaching appropriate forum for further compensation.

7. The Review Application is disposed of accordingly. No costs.

13.06.2016

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Index : yes/no

T.S.Sivagnanam, J.

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