

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2017

CORAM

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.8904 of 2014

Malar

..Petitioner

-vs-

1. The State of Tamilnadu,
Rep. By its Secretary,
Dept. of Electricity, Fort St. George,
Chennai, Tamilnadu.
2. The Tamilnadu Electricity Board,
Rep. By its Chairman, Annasalai,
Chennai 600 002, Tamilnadu.
3. The Superintendent Engineer,
Tamilnadu Electricity Board,
Salai Kailasapuram, Katpadi,
Gandhi Nagar, Katpadi Taluk,
Vellore District, Tamilnadu.
4. The Junior Engineer,
Tamilnadu Electricity Board,
Sholinger Rural, Banavaram
Kutu road, Vellore District, Tamilnadu.
5. The Executive Engineer,
Tamilnadu Electricity Board,
Arakonam Taluk, Vellore District.
6. The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Salai Kailasapuram, Arakonam Taluk,
Vellore District.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct the respondents to pay compensation a sum of Rupees Eight lakhs to the petitioner for the death of the petitioner's younger daughter namely Thilagavathy @ Pream Seela (deceased aged about 17 years), as a result of electrocution.

For Petitioner : Mr.P.R.Thiruneelakandan

For Respondents: Mr.S.N.Parthasarathi,
Govt. Advocate, for R-1

: Mr.M.Varunkumar, Stg. Counsel
for RR 2 to 6

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus directing the respondents to pay compensation of Rs.8 lakhs to the petitioner for the death of the petitioner's younger daughter, namely, Thilagavathy @ Pream Seela, as a result of electrocution.

2.According to the petitioner, her younger daughter, namely, Thilagavathy was studying plus two in Sholinger Girls Higher Secondary School and on 15.08.2013 at about 15 hours when the school was on a holiday, while she was trying to rescue one of the goats which got struck in the bush, she accidentally contacted the low tension live wire which got snapped and hanging over the bush, which resulted in her death due to electrocution. In this connection, Sholinger Police Station registered a case in Crime no.463/2013, under Section 174 of the Code of Criminal Procedure. According to the petitioner, the responsibility to supply electric energy in a particular locality was statutorily conferred on the respondents/Board and the respondents/Board also employed a Line Inspector, but they failed to carry out their duties, which resulted in the live wire hanging loosely, exposing persons to risk of coming into contact with such wire accidentally, which led to the death of her daughter due to electrocution. After the death of her daughter, the petitioner made representation to the District Collector, Vellore, claiming compensation for the death of her daughter. The District Collector also forwarded her representation to the respondents/Board. However, she was not paid any compensation. Hence, the petitioner has filed the present writ petition.

3.Mr.P.R.Thiruneelakandan, learned counsel appearing for the petitioner, submitted that the petitioner's daughter was a brilliant student and she would have reached the highest level, if she had lived her normal life span. The learned counsel further submitted that the respondents should be directed to pay at least a sum of Rs.8 lakhs towards compensation.

4.The respondents/Board filed their counter admitting the accident. However, they have stated that the electrocution was

not due to the fault of the respondents/Board. Further, they have stated that the Line Inspector was on leave on 15.08.2013 due to national holiday. Mr.Varunkumar, learned counsel appearing for the respondents/Board reiterated the stand taken by the respondents in their counter and has also stated that the respondents/Board is liable to pay only a sum of Rs.2,00,000/- as ex-gratia on compassionate grounds, as per the Board Proceeding (Full Bench) No.5 dated 29.04.2013.

5.On a careful consideration of the materials available on record and the submissions made by the learned counsel on either side, it could be seen that the respondents are not disputing the factum of accident on 15.08.2013. It is also not disputed that the petitioner's daughter Thilagavathy @ Pream Seela had died due to electrocution on 15.08.2013. According to the petitioner, she was studying plus two and was a brilliant student in the school. The respondents/Board have taken a stand that since the Line Inspector was on leave on 15.08.2013, the respondents cannot be blamed for the death of the petitioner's daughter. The respondents admitted that the Line Inspector was employed to check any fault in the electricity external line. The respondents cannot take a stand that the said Inspector was on leave and therefore, they had no occasion to check the faulty line, which resulted in the death of Thilagavathy. When the respondents are supplying the electricity, even on the holidays, they should have employed or substituted any other person to carry out the work of the Line Inspector to rectify the defects in the external line. Had the respondents were vigilant and careful in discharging their duties, they could have averted the accident, which resulted in the death of the petitioner's daughter. The deceased was aged 17 years and had the deceased lived her normal life span, she could have contributed sufficient money to her mother. It is also not in dispute that the petitioner's husband is no more. It is to be noted that even the amount of Rs.2,00,000/- payable as per the Board Proceeding (Full Bench) No.5 dated 29.04.2013 was not paid by the respondents/Board to the petitioner.

6.Taking into consideration the age of the deceased and the inaction on the part of the respondents/Board, I am of the view that the petitioner can be awarded a sum of Rs.4,75,000/- towards compensation for the fatal of her daughter.

7.Accordingly, I direct the third respondent to pay a sum of Rs.4,75,000/- (Rupees four lakhs and seventy five thousand only) to the petitioner as compensation for the death of her daughter, Thilagavathy @ Pream Seela, within twelve (12) weeks from the date of receipt of a copy of this order. In the event of the third respondent not paying the amount within the stipulated time, the petitioner is entitled to the compensation together with interest at the rate of 6% p.a. from the expiry

of 12 weeks period till the date of actual payment.

8. With these observations, the writ petition is disposed of. No costs.

-s/d-
Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

sra

To

1. The Secretary to Govt. of Tamilnadu,
Dept. of Electricity, Fort St. George,
Chennai, Tamilnadu.
 2. The Chairman,
Tamilnadu Electricity Board,
Annasalai, Chennai 600 002, Tamilnadu.
 3. The Superintendent Engineer,
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Tamilnadu Electricity Board,
Salai Kailasapuram, Arakonam Taluk,
Vellore District.
- +1 CC to Mr.P.R.Thiruneelakandan, Advocate sr 42918
+1 CC to Mr.M. Varunkumar, Advocate sr 43325
+1 CC to Govt. Pleader sr 43434

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