



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.2318 of 2016

M.Muthulakshmi

.. Petitioner

-Vs-

1. The Chairman-cum-Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO)
144, Annasalai,
Chennai-600 023.

2. The Superintending Engineer,
Sivagangai Electricity Distribution Circle,
TANGEDCO, Sivagangai,
Sivagangai District.

3. The Junior Engineer,
TANGEDCO, Tirupuvanam,
Sivagangai District.

... Respondents

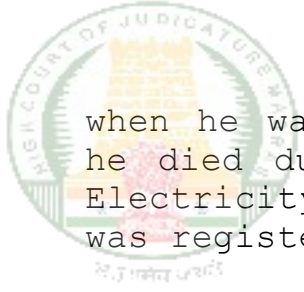
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 08.11.2015 and pay a sum of rupees fifteen lakhs towards compensation to the petitioner and her four daughters for the death of her husband due to electrocution.

For Petitioner	: Mr.L.Shaji Chellan
For Respondents	: Mrs.S.Srimathy for Mrs.S.M.S.Johny Basha

O R D E R

The prayer sought for in this writ petition is to direct the respondents to consider the petitioner's representation, dated 08.11.2015 and pay a sum of Rs.15,00,000/- towards compensation for the death of her husband due to electrocution.

2. According to the petitioner, her husband was a member of
<https://hcservices.ecourts.gov.in/hcservices/>
Tirupuvanam Betel Agriculturalists Sangam and he used to take
lands on lease and cultivate betel in those lands. On 25.04.2007,



when he was plucking the betel leaves from his betel plantation, he died due to electrocution from the snapped live wire of the Electricity Board. In this regard, a case in Crime No.163 of 2007 was registered by Thirupuvanam Police Station.

3.The petitioner would claim that her husband is the sole breadwinner and she is an illiterate and having four daughters. Hence, she sent a representation to the respondents on 08.11.2015 seeking compensation for the death of her husband due to electrocution. Since, there is no response, the present writ petition has been filed.

4.The learned counsel for the petitioner would submit that as the deceased had been routinely doing his activities and only from and out of the income derived, he had run the family and that the petitioner's husband suddenly died due to the electrocution, the petitioner was striving to meet both the ends. Therefore, in order to meet the penurious situation and in order to overcome the indigent circumstances for settling the children of the deceased, the petitioner had sought for lumpsum compensation of Rs.15 lakhs only, which ought to have been sanctioned by the respondents.

5.Per contra, the learned counsel for the respondents Electricity Board, by relying upon the Board Proceedings in BP No.5, dated 29.04.2013, has submitted that initially as per the then existing board proceedings in BP No.4 dated 29.01.1988, the maximum amount of compensation for fatal accident was fixed only as Rs.15,000/-, since the same was considered to be on the lower side, the respondents Board has decided to enhance the same and accordingly, the amount has been enhanced by the said board proceedings dated 29.04.2013 and as per the enhanced amount, now it is Rs.2 lakhs ie., the maximum amount that can be sanctioned by the Department for compensation towards fatal accident. Since that is the maximum amount that can be parted with by the respondent Department, even for fatal accident, the present claim made by the petitioner, which is considered to be very huge, as there is no basis for claiming such a huge amount of Rs.15 lakhs as compensation.

6.I have heard both sides and perused the materials available on record.

7.It is not in dispute that in the accident taken place on 25.04.2007, the petitioner's husband Murugan died due to electrocution, which is evident from the postmortem Certificate.

8.As regard the quantum of compensation, it is an admitted fact that the petitioner is a lessee of agricultural lands cultivating betel leaves. From the income therefrom, he is said to have been running his family smoothly. It is further said that he had been the sole bread winner and after his sudden demise, the entire family suffers.

9.It is seen from the records that the petitioner's husband was 37 years at the time of death. The contention of the learned counsel for the respondents that as per Board Proceedings, dated 29.04.2013, maximum compensation could be paid and in the case of fatal accident could not be countenanced for the reason that if the accident happened due to the negligence of the Electricity Board, they are liable to pay reasonable compensation. In the case of **V.Solaiammal vs. The Chairman, Electricity Board, Chennai and others**, (Indian kanoon.org/doc/50175791/) this court, in similar facts, awarded Rs.5 Lakhs.

10.In the instant case, the petitioner seeks compensation of Rs.15 Lakhs. Taking note of the above facts, in the considered opinion of this court, the writ petitioner is entitled for compensation of Rs.5 Lakhs.

11.In the result, this writ petition is allowed. The petitioner is entitled to a compensation of Rs.5 Lakhs along with interest at the rate of 7.5% p.a. from the date of the representation, dated, 08.11.2015 till the date of payment. No costs.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman-cum-Managing Director,
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TANGEDCO, Sivagangai, Sivagangai District.
3. The Junior Engineer,
TANGEDCO, Tirupuvanam,
Sivagangai District.

+ 1 cc TO Mr.S.M.S.Johnny Basha , Advocate in SR No. 78687
+ 1 cc TO Mr.L.Shaji Chellan , Advocate in SR No. 78852

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AE/SKN RSK/SAR1/11.12.2017/3P/6C