

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25657 of 2015
and M.P.No.1 of 2015

S.Gowri

.. Petitioner

vs

1 The Secretary,
Department of Electricity,
Fort St.George, Chennai-600 009.

2 The Chairman,
Tamil Nadu Electricity Board,
No.800, Anna Salai,
Chennai-600 002.

3 The Superintending Engineer,
CEDC/North
TANGEDCO, 144, Anna Salai,
Chennai-2.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay a compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) for the death of the son of the petitioner, viz S.Deepan Raj on 21.09.2012 due to Electrocution caused due to careless and negligent act of the respondents.

For Petitioner : Mr.S.Umapathy
For Respondent-1 : Mr.D.Raghu
Government Advocate
For Respondents 2 & 3 : Mr.P.R.Dhilipkumar

O R D E R

The relief sought for in this writ petition is to direct the respondent to pay the compensation of Rs.15,00,000/- for the death of son of petitioner, viz S.Deepan Raj on 21.09.2012 due to Electrocution caused due to careless and negligent act of the respondents.

2 The learned counsel appearing on behalf of the writ petitioner made a submission that the petitioner is the mother of the deceased and on account of an act of negligence on the part of the respondent board, the son of the writ petitioner met with an accident and died on account of Electrocution.

3 The learned Government Advocate for the respondents opposed the contention by stating that the respondent board has not extended any electricity power supply to Vinayagar Statue installed during puja festival. The very electricity connection itself was illegal. Therefore, the respondent cannot be held liable for such illegal connection. Such illegal connection are to be treated as theft of electricity and therefore, the respondent cannot grant any compensation. In view of the fact that the death occurred on account of carelessness of the deceased, he prayed for dismissal of the writ petition.

4 This Court is of the opinion that the complex and disputed facts raised in respect of a death of a person cannot be adjudicated in the writ proceedings under Article 226 of the Constitution of India. Such disputed facts are to be adjudicated before the competent forum by obtaining statement and adducing the evidence by respective parties. In the present case on hand undisputedly the death of a person occurred. Further, the reason for such death is to be established by the writ petitioner before the competent forum for the purpose of getting death compensation. In this regard, the writ petitioner is at liberty to approach the Consumer Grievances Redressal Commission constituted for the purpose for redressal of the grievance for the consumer and adjudicate the same on merits and in accordance with law. The Consumer GRC on receipt of any such application from the writ petitioner has to adjudicate the same by providing opportunity to all the parties concerned and take a decision and pass orders.

5 Thus, the writ petition devoid merits, the writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is also closed.
No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rp1

To

The Secretary,
Department of Electricity,
Fort St.George,
Chennai-600 009.

+1cc to Mr.S.Umapathy, Advocate, S.R.No.50624
+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No.50640
+1cc to the Government Pleader, S.R.No.51322

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CS/29/08/18



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