



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P. (MD) No. 7292 of 2018

and

W.M.P. (MD) No. 6982 of 2018

S. Gengaiyammal

... Petitioner

vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Energy Department,
Secretariat, Chennai 600 009.

2. The Superintending Engineer,
TANGEDCO, Ramanathapuram District.

3. The Assistant Engineer,
TANGEDCO, Thiruvadanai,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the 2nd respondent in Na.Ka.No.Mo/Po/Emi./Pa.Va/Rama/U.Se.Po/Ma.Tho.A/Mu.Ne.VA/A.No/date d 17.10.2017 and quash the same and further direct the respondents to grant compensation for a sum of Rs.10,00,000/- for the petitioner's medical treatment and injury.

For Petitioner	: Mr.H.Velavadhas
For RR1	: Mr.V.Anand
	Government Advocate
For RR2 and 3	: Mr.SMS.Johnny Basha

O R D E R

Heard Mr.H.Velavadhas, learned counsel appearing for the petitioner, Mr.V.Anand, learned Government Advocate appearing for the first respondent and Mr.SMS.Johnny Basha, learned counsel appearing for the respondents 2 and 3.

2. The petitioner who had lost her left arm due to electrocution, has filed the present writ petition seeking for compensation of a sum of Rs.10,00,000/- (Rupees Ten Lakhs only).

3. According to the learned counsel for the petitioner, the accident occurred, when she was grazing her cattle and had come into contact with a high tension wire. Due to the electric shock,



she suffered serious injuries in her left arm which came to be amputated. The high tension wires were lying in the ground level due to the negligence of the respondents herein and thereby the accident occurred and hence, they are bound to pay compensation as sought by the petitioner.

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4. The learned Standing Counsel for the respondents, on the other hand opposed and stated that an enquiry was conducted pursuant to the petitioner's request for compensation and during the course of the enquiry, it is found that the wires were about 18 to 22 feet from the ground level. There was no sagging or snapping of wire and hence, there was no negligence on the part of the respondents herein. It is the case of the respondents that when the petitioner herein had attempted to pluck leaves from the trees for her cattle with the aid of a long wet pole and when it hit the live wire, the petitioner was electrocuted. The learned counsel further submitted that if at all, the petitioner is entitled for the compensation, it can be only on the ground of no fault liability which claim can be considered for a maximum claim amount of only Rs.2,00,000/- (Rupees Two Lakhs Only).

5. Though, the learned counsel for the petitioner submitted that the high tension wire was in the ground level, there is nothing on record to substantiate her claim. On the other hand, enquiry reveals that the wire was about 18 to 22 feet from the ground level. It is not in dispute that the petitioner had also attempted to pluck leaves with the aid of long pole which hit the live wire. As such it cannot be said that there was negligence on the part of the respondents herein. However, the fact remains that there was electrocution and that the petitioner herein had lost her left arm. As such a sympathetic consideration would be extended in favour of the petitioner herein. Since there is a provision for payment of compensation under the head of no fault liability, it would be appropriate to direct the respondents to pay a compensation for a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as compensation to the petitioner herein.

6. In the result, the writ petition stands partly allowed and the second respondent is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) as compensation to the petitioner herein for the accident that had occurred on 08.12.2016. Such an amount shall be paid within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/



To

1. The Secretary,
Government of Tamil Nadu,
Energy Department,
Secretariat, Chennai 600 009.

2. The Superintending Engineer,
TANGEDCO, Ramanathapuram District.

3. The Assistant Engineer,
TANGEDCO, Thiruvadanai,
Ramanathapuram District.

+1cc to Mr.H.Velavadhas, Advocate SR.No.73659

+1cc to Mr.SMS.Johnny Basha, Advocate SR.No.73881

SJI

MK/RSK/SAR 4/09.08.2018/3P/6C

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