



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P (MD)No.5992 of 2020

WEB COPY

Gnanavel

..Petitioner

Vs.

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

2.The Chief Engineer,
TANGEDCO, Pudukkottai,
Pudukkottai District.

3.The Assistant Engineer,
TANGEDCO,
Nagudi, Aranthangi,
Pudukkottai District.

4.The Inspector of Police,
Nagudi Police Station,
Pudukkottai District.

5.Marimuthu

6.Selva Previn

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 3 to pay compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs) to the petitioner for the loss and injuries sustained due to electrocution on 08.11.2019 within a time frame fixed by this Court.

For Petitioner : Mr.M.Ramu

For R1 & R4 : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

For R2 & R3 : Mrs.S.Srimathy
Special Government Pleader

ORDER

Mr.C.M.Mari Chellaiah Prabhu, learned Additional Government Pleader takes notice for the respondents 1 & 4 and Mrs.S.Srimathy, learned Special Government Pleader takes notice for the respondents 2 & 3.



2. By consent of both parties, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs) to the petitioner for the loss and injuries sustained due to electrocution on 08.11.2019.

4. The case of the petitioner is that the petitioner was working as a mason. He was engaged by the sixth respondent for construction work of fifth respondent's house situated at Pramanavayal, Singavanam Post, Manamelkudi, Pudukkottai District. Before a week of occurrence, when the petitioner and others working in the concrete work of the fifth respondent's house, the live wire of high tension electric wire was passing through the 1st floor with hardly few inches gap from the said building. Immediately, the petitioner and others informed the same to the respondents 5 & 6 either to make enough protections or to remove the electricity post by informing the same to the concerned electricity department. The fifth respondent also informed that he will take appropriate steps for removing the same. Thereafter, on 08.11.2019, while the petitioner was raising a wall in the 1st floor, he got electrocuted and suffered serious injuries all over the body and he lost consciousness. Immediately, the petitioner was taken to Primary Health Centre at Athanai and thereafter admitted in the Government Hospital, Aranthangi and he losing two toes on the both legs. However, now the doctors advised him to remove the entire toes on the both legs. While the petitioner was an unconscious, his mother preferred the complaint to the fourth respondent on 08.11.2019 and the same was received but not registered the case and accident has been recorded at Regional Accident Register. After returning home, he was not able to move from place to place. However, he preferred the complaint to the Superintendent of Police, Pudukkottai on 09.03.2020. He further submitted that for the past three months the petitioner had continuously admitted in the Hospital and took treatment in this regard and he had incurred around Rs.3,00,000/- towards medical treatment alone. The accident was occurred due to the negligence of the official respondents of electricity Board. The petitioner sent a representation to the respondents 1 to 3 on 09.03.2020 seeking monetary compensation for the injuries and the loss sustained by him in the electrocution. But, the respondents have not passed any orders on the representation. Hence, the petitioner has filed the present writ petition for the aforesaid prayer.

5. The learned Special Government Pleader appearing for the respondents 2 & 3 would submit that the Electricity Board has nothing to do with the injuries sustained by the petitioner through electrocution. In fact, the petitioner was engaged by the sixth



respondent for construction of the fifth respondent's building and therefore, he can claim the compensation only against the respondents 5 & 6 and not against the Electricity Board.

6. In the light of the above facts and circumstances, without expressing any opinion on the merits of the case, this Court directs the third respondent to consider the representation of the petitioner, dated 09.03.2020 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

To:

1. The Secretary, The Government of Tamil Nadu,
Electricity Department,
Secretariat, Chennai-600 009.
2. The Chief Engineer, TANGEDCO, Pudukkottai,
Pudukkottai District.
3. The Assistant Engineer, TANGEDCO,
Nagudi, Aranthangi, Pudukkottai District.
4. The Inspector of Police,
Nagudi Police Station, Pudukkottai District.

+1cc to Mr.M.Ramu, Advocate Sr.No.12961

AKM/19.05.2020/3P-6C/

ORDER MADE IN
W.P (MD) No.5992 of 2020
24.03.2020