



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.6616 of 2020

T.Periyasamy

...Petitioner

Vs.

1.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
No.1 Vallam Road, Thanjavur-613 007.

2.The Assistant Executive Engineer,
TANGEDCO,
Operation and Maintenance,
Irumbuhallai Main Road, Saliyamangalam,
Thanjavur-613 504.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 19.02.2020 of the second respondent and quash the same as illegal and consequently direct the respondents to pay the suitable, adequate compensation to the son of the petitioner for the accident caused on him on 27.10.2019 due to the negligence of the second respondent.

For Petitioner : Mr.J.Anandkumar
For Respondents : Mrs.Rajeswari
for Mr.S.M.S.Johny Basha
Standing Counsel for TNEB

ORDER

Heard the learned counsel on either side.

2.The petitioner's son suffered injuries in an accident on 27.10.2019 at about 05.00 p.m. According to the petitioner, the occurrence took place because of sudden snapping of low tension electric wire from the electric poles and falling on the son. In this regard, Crime No.460 of 2019 was registered on the file of the Ammapet Police Station. In the First Information Report, it has been mentioned that the occurrence took place due to electrocution. The petitioner's counsel also relies on the Accident Register issued by the Concerned Government Doctor.

3.The petitioner therefore demands payment of compensation for the said accident.

4.The respondents have filed a counter affidavit. The respondents have completely denied the version projected by the writ



petitioner. According to the respondents, the injuries are attributable to bursting of fire crackers. According to them, the petitioner's son was not at all electrocuted.

5. Since there is a factual dispute, I would not be justified in adjudicating the same in these writ proceedings. The right forum for the petitioner is only the jurisdictional Civil Court. Therefore, leaving open the petitioner's rights, the Writ Petition stands dismissed. I make it clear that I have not gone into the merits of the matter. The petitioner's claim has to be independently established by adducing evidence. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

ORDER MADE IN
W.P. (MD) .No.6616 of 2020
21.08.2020

SPU (02.09.2020) 2P 1C