



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

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THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P (MD) .No.5674 of 2017

M.Kalrani

.. Petitioner

Vs.

- 1.The Chief Engineer
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 2.
- 2.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai - 2.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Kattakamanpatti,
Batlagundu,
Dindigul District.
- 4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Village Division, Kamarajar Road,
Kodaikanal, Dindigul.
- 5.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Village Division, Kamarajar Road,
Kodaikanal, Dindigul.
- 6.The Superintending Engineer,
Tamil Nadu Electricity Board,
Meenakshinayakkanpatti,
Dindigul.
- 7.The District Collector,
Dindigul.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus to direct the respondents to

<https://hcservices.ecourts.gov.in/hcservices/>



pay Rs.10,00,000/- as compensation for the death of the petitioner's son Veerakumar which had occurred due to electrocution on 20.08.2016 at 2.00 p.m. in Mattupatti 1st Street, Kodaikanal, while giving electricity connection to the bore well motor of Government / Panchayat water tank.

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For Petitioner : Mr.K.Muthumalai

For Respondents : Ms.M.Rajeswari for
Mr.SMS.Johny Basha for R1 to R6

: Ms.S.Srimathy for R7
Special Government Pleader

ORDER

Heard the learned counsel appearing for the writ petitioner, learned Standing counsel for Electricity Board and learned Special Government Pleader for seventh respondent.

2.The petitioner's son Veerakumar died on 20.08.2016. The case of the petitioner is that their Village is located in an interior rural area and that since the Tamil Nadu Electricity Board Officials do not attend to the electrical works, some local Electricians are utilized for the said purpose. On the fateful day, one Alagarsamy was called upon to attend to the electrical works by one Balachandar, an EB employee. The said Alagarsamy had utilized the service of the petitioner's son Veerakumar. The petitioner's son climbed the electric pole and when he attempted to give the electric connection, due to the criminal negligence of Alagarsamy, he suffered electrocution and fell down and later died. The petitioner, therefore, wanted this Court to direct the Electricity Board to pay compensation for the death of her son due to electrocution. The petitioner's counsel reiterated the contentions set out in the affidavit filed in support of the petition.

3.The respondents have filed a counter affidavit opposing the writ prayer. The learned Standing counsel would contend that Alagarsamy was not EB employee. In fact, Balachandar alone is the EB employee and he denied the averments contested by the petitioner in toto.

4.In view of the disputed facts involved, I am not in a position to entertain the petition in Writ jurisdiction. Therefore, this writ petition is dismissed. No costs. I make it clear that I have not gone into the merits of the matter.

5.At the same time, further directions are required to be issued in this matter.



(i)The petitioner has to necessarily approach the Jurisdictional Civil Court for relief.

(ii)The petitioner's counsel states that the petitioner is not having the means to pay the requisite Court fee and hence, she may have to file a Pauper suit. He would further state that the petitioner would approach the Jurisdictional Civil Court with such a petition and plaint within a period of **two months** from the date of receipt of a copy of this order.

(iii)On such filing, the Jurisdictional Civil Court shall accept the Pauper Original Petition and call upon the competent Revenue Authority to enquire and submit a report.

(iv)I make it clear that as and when such requisition is received from the Civil Court, the Revenue Authorities will enquire as to whether the petitioner can pay the Court Fee or not and submit a report before the Jurisdictional Civil Court within a period of **four weeks** thereafter.

(v)The pauper enquiry will be concluded by the Civil Court within a period of **two months**.

(vi)If the petitioner is found to be a pauper, the suit will be decided and disposed of within a period of **six months** thereafter.

(vii)Though the occurrence had taken place way back in the year April 2016, the question of limitation will not arise. This is because, the writ petition was filed in March 2017 and is being disposed of only today, by giving liberty to file a Pauper suit within a period of two months from the date of receipt of a copy of this order.

(viii)I make it clear that dismissal of the writ petition will not cast any doubt on the claim of the petitioner herein. The same will be independently tried by the Court below.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

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.



To

1.The Chief Engineer, Tamil Nadu Electricity Board,
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2.The Chairman, Tamil Nadu Electricity Board,
Anna Salai, Chennai - 2.

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VB (31.08.2020) 4P 8C