



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 588 of 2017

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1. A.Rani
2. A.Ramesh
3. A.Rama
4. A.Uma

... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
K.R.R.Building, 800, Anna Salai,
Chennai.
2. The Chief Engineer,
Tamil Nadu Generation of Electricity and Distribution
Corporation,
K.Pudur,
Madurai District.
3. The Assistant Executive Engineer,
Tamil Nadu Generation of Electricity and
Distribution Corporation,
T.Kallupatti,
Madurai District.

... Respondents

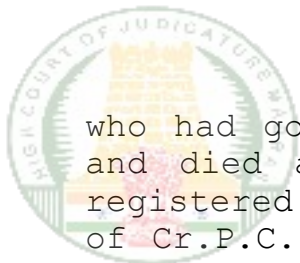
Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay compensation a sum of Rs.10,00,000/- to the death of the first petitioner's husband due to electrocution.

For Petitioners	: Mr.R.Pandi Maharaja
For Respondents	: M/s.M.Rajeswari, for M/s.S.M.S.Johny Basha

O R D E R

Heard the learned counsel appearing for the petitioners and the learned standing counsel appearing for the respondents.

2. The first petitioner is the wife of Ammavasi. The other petitioners are children. Ammavasi died due to electrocution on 25.12.2011. It appears that he had stepped on a live electric wire. The wire cables were running across the land of one Veerachamy. It seems that due to heavy rain, one coconut tree standing in Veerachamy's land got uprooted and fell on the electric cables leading to its snapping. Without being aware of the same, Ammavasi



who had gone out to procure Banana leaves had stepped on the same and died as a result. In this regard, Crime No.189 of 2011 was registered on the file of Kadupatti police station under Section 174 of Cr.P.C. Postmortem was also done. A mere look at the postmortem report reveals that Ammavasi died due to electrocution.

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3. Seeking compensation for the said unfortunate death, this writ petition has been filed.

4. The learned counsel appearing for the petitioners pointed out that the cause of accident cannot be disputed.

5. The learned Standing counsel appearing for the Board however disputed the liability of the respondents. According to her, the occurrence was purely accidental and it had taken place without there being any fault on the part of TANGEDCO. But however it has been fairly brought to my notice that the TANGEDCO issued proceedings in (Per.)(FB) TANGEDCO Proceedings N.6 dated 16.10.2019 whereby the TANGEDCO had directed that the ex-gratia payment payable on compassionate grounds in respect of fatal accidents to human beings is enhanced to Rs.5,00,000/- from Rs.2,00,000/.

6. Since this is beneficial provision, I am of the view that it has to be applied in all cases where the claims are yet to be finalised. Even though the accident took place in the year 2011, the claim of the petitioners has not been settled so far. The petition filed by the petitioners is being taken up for final disposal only today.

7. Therefore, I am of the view that the aforesaid Board proceedings in (Per.)(FB) TANGEDCO Proceedings N.6 dated 16.10.2019 will apply to the case on hand.

8. That apart, there is a considerable merit in the contention of the petitioners' counsel that the electricity board should have an automatic provision for the disconnection of supply of electricity, the moment cable lines are snapped. If viewed in that perspective, it is possible to attribute fault on the part of the Board also. In any event, without going into those controversial aspects, the issue on hand can be resolved in the light of the proceedings issued by the TANGEDCO themselves.

9. I therefore direct the respondents/TANGEDCO to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioners within a period of three months from the date of receipt of a copy of this order. The compensation amount will be shared in the following manner:-

- i) A.Rani/first petitioner is entitled to Rs.3,50,000/- (Rupees Three Lakhs and Fifty Thousand only)
- ii) Petitioners 2 to 4 are entitled to



Rs.50,000/- (Rupees Fifty Thousand only) each.

10. This writ petition stands allowed accordingly. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Chairman,
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