



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.2120 of 2017

Muruganandam

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep.by the Secretary to Government,
Energy Department,
Fort St.George, Chennai.

2.Tamil Nadu Electricity Board,
Rep.by its Chairman,
Annasalai, Chennai.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Thanjavur District.

4.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

... Respondents

[R4 is suo motu impleaded vide Court order dated 13.07.2020 in W.P.(MD)No.2120 of 2017]

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the petitioner by way of compensation due to the death of his son, namely, Ajithkumar by electrocution.

For Petitioner	: Mr.A.C.Asaitambi
For R1	: Mrs.S.Srimathy, Special Government Pleader
For R2 and R3	: Mrs.M.Rajeswari for Mr.S.M.S.Johnny Basha
For R4	: Mr.S.Angappan, Government Pleader.

ORDER

Heard the learned counsel for the Writ Petitioner and the learned Special Government Pleader for R1, learned Standing Counsel for R2 and R3 and the learned Government Advocate for R4.

2.The petitioner's case is that his son Ajithkumar died due to electrocution on 28.09.2007. The petitioner, therefore, seeks compensation to the tune of Rs.10 lakhs from the respondents.



3.The respondents have filed counter-affidavit enclosed in the typed set of papers. It has been stated that there are no records available with them to ascertain the claim of the writ petitioner.

4.This Court, therefore, *suo motu* impleaded the jurisdictional police and called upon the jurisdictional police to make a statement in this regard. Mr.Sekaran, Sub Inspector of Police, Thiruvonam Police Station, appeared through video conferencing. I requested him to search for the records and find out what happened. With great difficulty, the said Officer found out that the case was closed as action dropped in November 2007 itself. He also produced a copy of the final report in Crime No.175 of 2007. The said final report states that the petitioner's son died only due to electrocution. It is further stated that he was taken to Tanjore Medical College Hospital on 29.07.2007 and postmortem was also done. From the final report produced by the impleaded respondent, it is seen that the petitioner's son died only due to electrocution.

5.I am of the view that this Court can very well grant compensation to the petitioner. The occurrence had taken place way back in the year 2007. I must state that but for the final report produced by the fourth respondent, this Court would not have been in a position to grant any relief at all.

6. TANGEDCO Board proceeding No.6, dated 16.10.2019, enables that the corporation to disburse compensation on compassionate ground. Therefore, without going into the question of lability, this Court can very well award compensation on the strength of this proceeding.

7.Since the occurrence had taken place 10 years ago, the respondent/ TANGEDCO Board is directed to take a demand draft for a sum of Rs.2 lakhs favouring the wife of the Writ Petitioner and hand over the same to the petitioner's wife within a period of 8 weeks from the date of receipt of a copy of this order.

8. This Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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.

- 1.The Secretary to Government,
State of Tamil Nadu,
Energy Department,
Fort St.George, Chennai.
- 2.The Chairman,
Tamil Nadu Electricity Board,
Annasalai, Chennai.
- 3.The Executive Engineer,
Tamil Nadu Electricity Board,
Thanjavur District.
- 4.The Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.

+1 CC to SGP (SR-15953[F] dated 04/09/2020)

W.P. (MD) No.2120 of 2017
03.09.2020

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