



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.07.2021

Coram

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No.14549 of 2012

V. Rajeshwari

.. Petitioner

Versus

1. The Chairman
Tamilnadu Electricity Board,
No.144, Annasalai,
Chennai - 600 002.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Inspector of Police,
J4, Kotturpuram Police Station,
Adayar, Chennai - 600 020

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the petitioner's representation dated 12.04.2012 on the basis of the FIR registered in Crime No.1547/2011 dated 13.09.2011 by the third respondent and to pay compensation to the petitioner within the time fixed by this Court.

For Petitioner	:	Mr.C.Veeraraghavan
For Respondent - 1	:	Mr.P.Gunaraj
Respondent - 2	:	Ms.Karthika Ashok
Respondent - 3	:	Mr.Stalin Abimanyu
		Government Advocate

O R D E R

The present writ petition has been filed by the petitioner seeking to issue a Writ of Mandamus directing the respondents 1 and 2 to consider her representation dated 12.04.2012 on the basis of the first information report registered in Crime No.1547/2011 on 13.09.2011 by the third respondent and to pay a compensation to her, within the time to be fixed by this Court.



2. According to the petitioner, on 12.09.2011, at 6.30 p.m, she and her husband were travelling in a two wheeler bearing No.TN 20 AD 3296 and waiting for the traffic signal near CLRI. At that time, the metal wings which were affixed in the electric post got snapped and fell on their head, due to which, the petitioner sustained severe head injury and fell down from the bike in an unconscious condition. She was taken to the Fortis Malar Hospital at Adyar and admitted in ICU ward from 12.09.2011 to 15.09.2011 as inpatient. Thereafter, she came to know that the third respondent Police had registered a case in Crime No.1547 of 2011 on 13.09.2011 in connection with the aforesaid accident. The petitioner sustained severe head injuries, for which she spent more than Rs.1,50,000/- for taking treatment in the hospital. According to the petitioner, the accident has happened only due to the absolute negligence of the respondents 1 & 2 and therefore, she made a representation to the respondents 1 & 2 on 12.04.2012, for payment of compensation, however, till date, the respondents neither conducted any enquiry with regard to the said accident nor paid any compensation to her. Hence, the petitioner has filed the present writ petition before this Court, for the relief stated supra.

3. The learned counsel for the petitioner submitted that the aforesaid accident happened only due to the poor maintenance and carelessness of the Electricity Board (first respondent) as well as the Chennai Corporation (second respondent). Further, the third respondent, except registering a First Information Report, has not taken any further steps thereof and hence, they are liable to pay compensation to the petitioner for the pain and suffering she had undergone. He therefore submitted that appropriate direction may be issued to the respondents 1 & 2 to consider the petitioner's representation and to pass appropriate orders on merits and in accordance with law.

5. The respective learned counsel appearing for the respondents 1 & 2 submitted in unison that they have no serious objection to the petitioner's representation being considered by the respondents 1 & 2.

6. Heard the learned counsel on both sides and perused the materials placed before this Court.

7. Taking note of the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without expressing any opinion on merits of the case, directs the first respondent to consider the petitioner's representation dated 12.04.2012, if the same has not been considered so far, afford an opportunity of hearing to the petitioner and pass appropriate orders on merits and in accordance with law, as expeditiously as possible,



preferably, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is disposed of. No costs.

WEB COPY

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrr/rsh

To

1. The Chairman,
Tamilnadu Electricity Board,
No.144, Annasalai,
Chennai - 600 002.
2. The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Inspector of Police,
J4, Kotturpuram Police Station,
Adayar, Chennai - 600 020.

+1CC to the Government Pleader, Sr.No.35579

WP No.14549 of 2012

PL (CO)
K.RK. (01.09.2021)