



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22135 of 2013

Suguna

...Petitioner

Vs

The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
800, Anna Salai,
Chennai.

...Respondent

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pay Rs.10,00,000/- (Rupees ten lakhs only) towards compensation to this petitioner.

For Petitioner : Mr.K.Malaikannu

For Respondent : Mr.L.Jai Venkatesh
Standing Counsel for TANGEDCO

O R D E R

The writ petition is filed to direct the respondent to pay the compensation of Rs.10,00,000/- for the death of her son due to electrocution. The son of the petitioner V.Samuel, was aged about 12 years and was playing cricket with his friends at Dr.Ambedkar College Play Ground, Vyasarpadi. While playing cricket, the ball fell into the water stagnated nearby the play ground. Then the son of the petitioner stepped into the stagnated water to take the cricket ball, due to leakage of Electric current from nearby electric post into the water and her son was electrocuted and died on the spot. The petitioner filed a complaint before the M.K.B.Nagar Police Station, which was registered in Crime No.2031 of 2012.

2.The learned counsel appearing for the petitioner made a submission that due to the negligence and lapses on the part of



the Tamil Nadu Electricity Board, the unfortunate accident occurred and therefore, the Board is liable to pay compensation for the death of the petitioner's son.

3.The respondent Tamil Nadu Electricity Board filed a counter. The fatal electrical accident occurred to Master Samuel, aged about 13 years is not disputed. The officials of the Electricity Board, viz., the Assistant Engineer, M.K.B.Nagar and staff visited the spot and disconnected the TANGEDCO supply to the college in the presence of the Police officials. Thus, the factum regarding the accident and the death of the boy due to electrocution was established and admitted by the respondent Tamil Nadu Electricity Board.

4.When the accident of electrocution is admitted, no further enquiry is required or evidences needs to be considered. Thus, this Court is of an opinion that the petitioner is entitled for compensation as admissible under the scheme published by the Tamil Nadu Electricity Board in Board proceedings. In the event of death on electrocution as per the scheme, the victim is entitled for compensation of Rs.5,00,000/-. Thus, the petitioner is entitled for the said amount even as per the Board proceedings.

5.The respondent has stated that the petitioner has filed one more petition before the State Human Rights Commission, Tamil Nadu. The petitioner undertook that she cannot seek any other relief against the Tamil Nadu Electricity Board before the State Human Rights Commission and in view of the fact she has to receive compensation in the present writ petition.

6.Accordingly, the respondent is directed to pay a sum of Rs.5,00,000/- along with interest at the rate of 7.5% from the date of death till the date of realisation. The respondent is directed to settle the compensation along with interest within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, the writ petition stands allowed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vs



To

The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
800, Anna Salai, Chennai.

+1cc to Mr.K.Malaikannu, Advocate, S.R.No.58654

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.58831

W.P.No.22135 of 2013

GPL(CO)
RVM(02/12/2021)