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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25766 of 2012

1. Mrs.Jeeve Shanthi
2. Mr.Sathish Kumar
3. Mr.Suresh Kumar
4. Ms.Sasikala

... Petitioners

Vs

1. The Chairman,  
Tamil Nadu Electricity Board,  
No.144, Mount Road,  
Chennai - 600 002.
2. The Assistant Executive Engineer,  
TNEB  
Operation and Maintenance,  
Urban -1,  
Vellore.
3. M/s. Amman Ads,  
No.65, Brindavan 1<sup>st</sup> Street,  
Salem,  
Pin- 636 016.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the 2<sup>nd</sup> respondent in the reference letter No.Lr.No.576/AEE/O & M / UR1/Vellore / F.Court Case/ 11-12 dated 03.01.2012 and direct the respondents 1 to 3 to pay a sum of Rs.40 Lakhs as compensation to the petitioner for the loss of the 1<sup>st</sup> petitioner's husband and other petitioner's father namely late V.Manohar in electrocution on 29.05.2009 within the jurisdiction of the 2<sup>nd</sup> respondent.

For Petitioners : Mr.S.Sundar

For Respondents : Mr.L.Jaivenkatesh  
[For R1 and R2]

Mr.E.Kannadasan  
[For R3]



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## O R D E R

The reply sent by the respondents for the legal notice issued by the writ petitioner through their counsel is under challenge in the present writ petition.

2. The impugned reply states that the Tamil Nadu Electricity Board is not responsible for the death due to Electrocution of the husband of the first petitioner. The first petitioner states that her husband Late Mr. Manoharan was employed as a Checking Inspector in a private bus company at Vellore. While returning from duty at about 9.30 p.m on 29.05.2009 that is in front of Sarathi Maligai Bridge at Vellore, the husband of the first petitioner attempted to cross the road from one side to the other as there was no way and the entire road was blocked with iron barricade on center median throughout the road. In such circumstances and in attempt to cross the road as usually done by all people in that locality, the husband of the first petitioner got electrocuted and died on the spot.

3. The respondent filed a counter, stating that the accident occurred due to electrocution and the husband of the first petitioner Late Manoharan died. However, it is contended that the accident occurred not due to the fault of the respondents 1 and 2.

4. Admittedly, the electrocution happened, while crossing the road and there was a barricade in the center median. It is contended that many people used to cross the road in the same way and the husband of the first petitioner, who was working as Checking Inspector in a private bus company was also using the similar method of crossing the road.

5. This Court is of the considered opinion that during the relevant point of time, there was an electricity leakage in the barricade through the nearby electric poles and that would not have been noticed by the Electricity Board authorities. However, the death due to electrocution is admitted by the Tamil Nadu Electricity Board in their counter. When the death on account of electrocution is admitted, examination of further evidences may not be required.

6. This being the factum, the petitioner is entitled for compensation. Accordingly, the respondents 1 and 2 are directed to pay compensation of a sum of Rs.5,00,000/- (Rupees Five Lakhs only) along with the interest at the rate of 7.5% per annum from the date of death of the husband of the first petitioner i.e., on 29.05.2009 till the date of realisation. The respondents 1 and 2 are directed to settle the compensation along with the



interest in favour of the first writ petitioner( wife of the deceased) within a period of three months from the date of receipt of a copy of this order.

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7. With this direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,  
Tamil Nadu Electricity Board,  
No.144, Mount Road,  
Chennai - 600 002.
2. The Assistant Executive Engineer,  
TNEB  
Operation and Maintenance,  
Urban -1,  
Vellore.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.63632

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.62695

W.P.No.25766 of 2012

PM(CO)

CT 13/12/2021