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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.12573 of 2019

1.Vijayakumar

2.Kala

..Petitioners

.Vs.

1. The Secretary
Government of Tamil Nadu
Secretariat, Energy Department
Fort St. George Chennai-9.
2. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai-2.
3. The District Collector
Kancheepuram.
4. The Supervising Engineer
Chengalpet Distribution Circle,
Chengalpet.
5. The Executive Engineer (O&M)
Tamil Nadu Electricity Board
Maraimalai Nagar.
6. The Inspector of Police
S-14 Peerkaranai Police Station,
Chennai-63.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to pay the compensation a sum of RS.20,00,000/- (Rupees Twenty Lakhs Only) with interest by Considering the representation dated 28.03.2019.



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For Petitioners : Mr.K.Sathish Kumar

For Respondents : Mr.A.Selvendran
Government Advocate
for R 1 & R 6

Mr.L.Jaivenkatesh
Standing Counsel
for R 2 to R 5

ORDER

This writ petition has been filed claiming for compensation for the death of the son of the petitioners due to electrocution.

2.The case of the petitioners is that they belong to narikuravar community and they had two sons and one daughter. They depend upon their daily earnings and the entire community lives as a group.

3.On 26.02.2017, the son of th petitioner named V.Dinesh, who is aged about 16 years had entered into an area near Karumariamman temple to collect waste plastic materials from the garbage. At that point of time, he became in touch with a live wire and he was electrocuted and he died on the spot.

4.A complaint was given in this regard and the same was registered in Crime No.457 of 2017, under Section 174 of Cr.PC. A postmortem was also conducted and it is clear from the postmortem report that the death was due to electrocution.

5.The petitioners issued a notice to the 4th respondent claiming for compensation on the ground that their son died due to the negligence of the electricity board. Since the same was not considered, the present writ petition has been filed before this Court.

6.The 4th respondent has filed a counter affidavit in this case. It is relevant to take note of paragraph 5 and 6 in the counter affidavit and the same is extracted hereunder:

5."I respectfully submit that V.Dinesh S/o.T.Vijayakumar, aged about 16 years No.28, M.G.R.Nagar, Pooncheri Village, Thirukalukundram Taluk, Kanchipuram District, came into contact with wire and met with an electrical fatal accident in Vandalur Section of Nedunkundram Village in Low Tension line of Karumariamnkoi SS 250 KVA on 26.02.2017 @ 10.30 Hrs in 11 KV Kolapakkam Town feeder fed from 110/11KV Unamanchery Substation. Due



the compensation.

10. In the present case, the deceased belonged to the Narikuravar community and this community moves around in a group and they are basically daily wage earners. The deceased was aged about 16 years at the time of his death. The board proceedings has been subsequently amended in the year 2019 and the ex gratia payment has been enhanced to Rs.5,00,000/- [Rupees five lakhs only] for fatal accidents.

11. Taking into consideration the facts and circumstances of the case and the fact that this writ petition has been pending from the year 2019 onwards and the incident had taken place in the year 2017, without undertaking the exercise of determining the compensation under the Motor Vehicles Act, this Court is inclined to order compensation in line with the present board proceedings which provides for an ex gratia compensation of Rs.5,00,000/- [Rupees five lakhs only].

12. In view of the above discussion, this writ petition is allowed and there shall be a direction to the 4th respondent to pay a sum of Rs.5,00,000/- [Rupees five lakhs only] towards compensation to the petitioners, within a period of six weeks from the date of receipt of copy of this order. The petitioners are directed to make a representation to the 4th respondent along with a copy of this order.

13. This writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

kp

To

1. The Secretary Government of Tamil Nadu,
Secretariat, Energy Department
Fort St. George Chennai-9.

2. The Chairman
Tamil Nadu Electricity Board
Anna Salai
Chennai-2.



3. The District Collector
Kancheepuram.

4. The Supervising Engineer
Chengalpet Distribution Circle,
Chengalpet.

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Tamil Nadu Electricity Board
Maraimalai Nagar.

6. The Inspector of Police
S-14 Peerakaranai Police Station,
Chennai-63.

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.39933

+1cc to the Government Pleader, S.R.No.40069

W.P.No.12573 of 2019

VG-II(CO)
SB(27/08/2021)