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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7134 of 2019

1. Vasanthi
 2. Minor S.Sathya Dev
(Minor rep. by his mother and natural guardian Vasanthi)
 3. G.Selvi
 4. G.Saranya
- ...Petitioner
- Vs.

1. State, Rep. by
The Secretary to Government,
Government of Tamil Nadu,
Energy Department,
Fort St.George, Secretariat,
Chennai- 600 009.
2. The Chairman-cum-Managing Director,
The Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai- 600 002.
3. The Director-Distribution,
The Tamil Nadu Generation and Distribution
Corporation Limited,
No.144, Anna Salai, Chennai- 600 002.
4. The Chief Engineer-Personnel,
The Tamil Nadu Generation and Distribution
Corporation Limited,
Eastern Wing, 8th Floor,
No.144, Anna Salai,
Chennai-600 002.
5. The Superintending Engineer-South-II,
The Tamil Nadu Generation and Distribution
Corporation Limited,
K.K.Nagar, Chennai-600 078.



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6. The Assistant Engineer,
The Tamil Nadu Generation and Distribution
Corporation Limited,
68th Cross Street, Kannagi Nagar,
Thoraipakkam,
Chennai- 600 097.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or other appropriate writ or order in the nature of writ directing the respondents to provide the compensation of Rs.50 Lakhs to the petitioners with interest at 9 percentage from the date of death of G.Saravanan i.e. on 19.09.2018 within the time to be stipulated by this Hon'ble Court.

For Petitioner : M/s.R.Natarajan

For Respondent R1 : Mr.M.R.Gokulakrishnan
Government Advocate

For Respondents R2 to R6 : Mr.Jai Venkatesh

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondents to provide the compensation of Rs.50 Lakhs to the petitioners with interest at 9 percentage from the date of death of G.Saravanan within the time to be stipulated by this Hon'ble Court.

2.The case of the petitioner is that the deceased G.Saravanan is blood related to the petitioners herein and he was the sole bread winner who took care of the entire family. On 19.09.2018, when the said G.Saravanan went for distribution of milk packets, the petitioners herein came to know that the said G.Saravanan met with an accident at Anna High Road and died on spot since the High Tension Live Wires erected by the respondents fell on him. Investigation was conducted by the Police officials of J-9, Thoraipakkam Police Station and registered a case in Crime No.1485/2018 under Section 174 of Cr.P.C and the Post Mortem reveals that the cause of death was due to electrocution. Hence, the petitioners have given representations to the Hon'ble Chief Minister's Special Cell and to the respondents on 16.10.2018 seeking compensation of Rs.50 Lakhs and for appointing the first petitioner on humanitarian



ground in the Electricity Department and they have also made a representation to the Hon'ble Minister, Energy Department on 17.10.2018 and to 4th and 5th respondent through registered post, but till date the representation was not considered and no action has been taken. Hence, this Writ petition.

3.The learned counsel appearing for the petitioner submitted that this Court by its interim direction dated 15.07.2021 issued direction to the petitioners to approach the 5th respondent within a period of two weeks from the date of receipt of copy of the order and the respondent board was directed to disburse ex-gratia payment of Rs.2 Lakhs to the petitioner immediately without further delay and the same was received by the first respondent, however, the balance amount of Rs.48 lakhs as prayed for by the petitioners was not paid. He further submitted that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation and provide compensation of Rs.50 Lakhs to the petitioners with interest at 9% p.a. from the date of death of G.Saravanan within a particular time stipulated by this Court.

4. The learned counsel appearing for the respondent submitted that already the ex-gratia of Rs.2 Lakhs has been received by the petitioners. He further submitted that if any death occurred due to the fault of the Electricity board, the compensation will be paid. However, the present act is not relatable to the functioning of the EB but due to act of God and if the petitioner is aggrieved, he has to file appropriate petition under the Victim Compensation Scheme 2017.

5.Taking into consideration the above submissions, this Court without going into the merits of the contention, invoking the extraordinary powers of this Court under Article 226 of the Constitution and with a view to render substantial justice, this Court directs the respondents to pay a further sum of Rs.3 Lakhs to the petitioner within a period of 4 weeks from the date of receipt of a copy of this order. If the petitioner is still aggrieved even after receipt of the said amount, the petitioner shall file appropriate petition before the District Legal Service Authority under the Victim Compensation scheme of 2017 within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the District Legal Service Authority adjudicate the same in accordance with law and pass appropriate orders within a period of Six months thereafter.



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8. Accordingly, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

skt

To

1. The Secretary to Government,
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Energy Department,
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Chennai- 600 009.
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Thoraipakkam, Chennai- 600 097.



7. The District Legal Service Authority,
Chennai.

+1cc to Mr.Jai Venkatesh, Advocate, S.R.No.60874

+1cc to M/s.R.Natarajan, Advocate, S.R.No.61579

+1cc to the Government Pleader, S.R.No.61491

W.P.No.7134 of 2019

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NSK 29/11/2021