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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.9630 of 2021

A. Senthil Kumar

... Petitioner

Vs.

1. The Principal Secretary to Government,
Energy Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Chairman,
Tamil Nadu Generation and Distribution,
Corporation Ltd.,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai 600 002.
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited,
No.10, East Main Road,
Gandhi Nagar, Vellore 632 006.
4. The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Banavaram Road, Pandiyanallur Post,
Valaja Taluk,
Ranipet District 631 102
5. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Banavaram, Ranipet District 632 505.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to pay a sum of Rs.19,24,400/- (Rupees Nineteen Lakhs Twenty Four Thousand and Four Hundred only) with interest at the rate of 18% from the date of death from 25.06.2019 till the date of payment towards compensation for the death of the



petitioner's father including the conventional expenses and towards the death of the petitioner's cow died due to the electrocution on the land situated in 2/244, Bajanai Kovil Street, Keelveeranam Mottur, Nemili Taluk, Ranipet District due to the negligence on the part of the 2 to 4 respondents herein by considering the petitioner's representation dated 09.02.2021.

For Petitioner :Mr. R.Jayaprakash

For Respondents:Mr. P. Chinnadurai, Addl.Govt. Pleader
for R1
Mr.M. Varunkumar, TNEB for R2 to R5

O R D E R

The relief sought in this Writ Petition is to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 09.02.2021 and pay compensation of Rs.19,24,400/- along with interest, for the death of his father and cow due to electrocution, which happened on account of negligence on the part of the respondents 2 to 4.

2.According to the petitioner, he is the owner of the agricultural land situated at 2/244, Bajanai Kovil Street, Keelveeranam, Mottur, Nemili Taluk, Ranipet District. On 25.06.2019, when the petitioner's father and his cow went to the said land for grazing cattle, he stepped on the live electric wire, which had already been cut down on account of storm and rain, as a result of which, both his father and cow died due to electrocution. It is the further case of the petitioner that the wire that was carrying electricity, was of poor quality and it fell down a day before the accident and it was intimated to the 5th respondent in order to rectify the same, but no action was taken. Because of the negligence on the part of the respondents, the petitioner's father had lost his life. Claiming compensation for the same, the petitioner made application along with the relevant documents to the 5th respondent, who, without following the procedures and principles as laid down under the law, asked the petitioner to accept Rs.2,00,000/-. Being dissatisfied with the same, he sent a representation on 09.2.2021 to the respondents requesting to award just and fair compensation, which is kept pending without any action. Hence, this writ petition.

3.Heard Mr.R.Jayaprakash, learned counsel appearing for the petitioner and Mr.P.Chinnadurai, learned Additional Govt. Pleader appearing for the first respondent and Mr.M.Varun Kumar, learned standing counsel for the respondents 2 to 5 and also perused the documents enclosed in the typed set of papers.



4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the representation of the petitioner dated 09.02.2021 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Principal Secretary to Government,
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Banavaram Road, Pandiyanallur Post,
Valaja Taluk,
Ranipet District 631 102



5. The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Banavaram, Ranipet District 632 505.

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+1cc to Mr.M.Varunkumar, Advocate, S.R.No.24262
+1cc to Mr.R.Jayaprakash, Advocate, S.R.No.23538
+1cc to the Government Pleader, S.R.No.23992

W.P.No.9630 of 2021

PP (CO)
CB (14/07/2021)