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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7295 of 2015

and

M.P.No.1 of 2015

A.Sebastin Jermans

... Petitioner

Vs

1.The Assistant Engineer (AE),
D Block, MMDA Colony,
Arumbakkam, Chennai-108.

2.The Assistant Divisional Engineer (ADE),
D Block, MMDA Colony,
Arumbakkam, Chennai-108.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of mandamus directing the respondents to grant compensation along with medical expenses based on the petitioner's representation dated 28.02.2015.

For Petitioner : Mr.S.Viswanathan
for M/s.Dass Law Associates

For Respondents : Mr.L.Jai Venkatesh

O R D E R

The relief sought for in the present writ petition is to direct the respondents to grant compensation along with medical expenses based on the petitioner's representation dated 28.02.2015.

2.The petitioner states that on 18.05.2013 at 10.00 p.m when he went to Choolaimedu, Patpanaban Nagar, Tamil Street to buy tiffin to his wife in his friend's bike, all of a sudden, a high tension wire had fallen on his foot and he was thrown out from the bike and got fired in the bottom of his lungi and he became unconscious. He sustained injuries on both his legs.



3.The petitioner was admitted in the private hospital for treatment viz., Siva Sakthi Nursing Home at Chennai. Thus, the petitioner is constrained to file a writ petition seeking compensation.

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4.The respondents filed a counter by stating that the petitioner has not lodged any complaint with the TANGEDCO either in person or through any means and the petitioner has not lodged any complaint to the local Police Station regarding the incident. Thus, TANGEDCO is not responsible in any manner for the above incident. It is contended that the petitioner has not approached TANGEDCO office in this regard to inform about the incident.

5.The petitioner is unable to produce any document to establish that the incident occurred due to the live electric wire. The very contention of the petitioner is that a high tension wire had fallen down in the locality and the petitioner sustained injury. Undoubtedly, there would have been any witness or somebody as Choolaimedu is a busy locality and further a thickly populated area. However, no one had informed this incident either to the Police or to the TANGEDCO authorities. Thus, the manner in which the incident occurred, as described by the petitioner cannot be trusted upon. Only in the event of establishing the accident, the petitioner would be entitled to submit an application for compensation.

6.In view of the fact that the petitioner has not even filed a single document to establish the incident, this Court is not in a position to consider the case of the writ petitioner. Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ars/mka

To

1.The Assistant Engineer (AE),
D Block, MMDA Colony,
Arumbakkam, Chennai-108.



2.The Assistant Divisional Engineer (ADE),
D Block, MMDA Colony,
Arumbakkam, Chennai-108.

+1cc to M/s.Dass & Law Associates, Advocate, S.R.No.50989

+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.51126

W.P.No.7295 of 2015

BP (CO)
CB(01/11/2021)