



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.2852 of 2019
and C.M.P.No.18346 of 2019

1.The Chairman
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai - 600 002.

2.The Assistant Engineer (O&M),
Tamil Nadu Electricity Board,
H-Block, 11th Main Road,
Anna Nagar, Chennai - 40

.. Appellants

Vs

1.Raja Basha

2.The District Collector,
Singaravelar Maligai,
Chennai District.

.. Respondents

Appeal filed under Section 15 of the Letters Patent against the order dated 05.02.2019 made in W.P.No.36979 of 2007.

W.P.No.36979/2007 :- Filed under Article 226 of the constitution of india to issue a writ of mandamus directing the respondents to pay compensation of Rs.12,00,000/- (Rupees twelve lakhs only) to the petitioner herein.

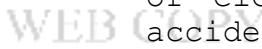
For Appellants : Mr.P.R.Dhilipkumar

For Respondents : Mr.S.Namonarayanan for R1
Mr.S.John J Raja Singh
Government Counsel for R2

JUDGMENT

(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellants, aggrieved over the order of the learned Single Judge, who disposed of the writ petition filed by the first respondent seeking compensation of Rs.12,00,000/-, by granting a sum of Rs.15,97,000/- based



2. The first respondent's son is stated to have died by way of electrocution. He was working as a daily wage worker. The accident said to have taken place during a rainy day.

4. In the counter affidavit filed before the learned single Judge, the appellants contended that the accident occurred in the premises of the Company by name M/s.Kumar Packaging Company. The deceased rushed to the premises in view of the rain on the fateful day. A tube light was unauthorisedly installed by the said company and due to the leakage of electricity, the accident occurred as the victim touched it by mistake. The facts being disputed, the writ petition is not maintainable. The accident occurred on 29.10.2006 whereas the service connection was effected on 02.12.2006.

6. We have heard the learned counsel appearing for the appellants and the learned counsel appearing for the respondents.

8. Law is quite settled that when the disputed questions of fact are involved and that too in an issue with regard to compensation, the Court is not expected to conduct a roving enquiry. However, taking note of the fact that the death has occurred due to electrocution, we are inclined to modify the order of the learned Single Judge, who passed the order, by taking note of the documents referred above, by permitting the first respondent to withdraw a sum of Rs.7.5 lakhs out of Rs.10 lakhs deposited by the appellants in compliance with the order



of this Court, leaving all the issues to be decided by the jurisdictional civil Court.

9. Accordingly, the order of the learned Single Judge stands modified giving liberty to the first respondent to file a comprehensive civil suit. The arrangement being interim in nature, parties are entitled to have all the pleadings before the civil Court. The first respondent is given further period of four weeks from the date of receipt of a copy of this judgment to file a comprehensive civil suit, in which case, the same shall not be dismissed on the ground of limitation as we are inclined to invoke Section 14 of the Limitation Act. The appellants are permitted to withdraw the remaining amount lying in the deposit.

10. The writ appeal stands ordered accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1. The District Collector,
Singaravelar Maligai,
Chennai District.
2. The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai, Chennai-2.
3. The Assistant Engineer (O & M),
Tamil Nadu Electricity Board,
H-Block, 11th Main Road,
Anna Nagar, Chennai-40.

+1cc to Mr. P. R. Dhilipkumar, Advocate, S.R.No.30910.

+1cc to Mr. S. Namo Narayana, Advocate, S.R.No.29765

+1cc to the Government Pleader, High Court, Madras, S.R.No.29787

W.A.No.2852 of 2019

EV(CO)
GN(16/07/2021)