



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.40593 of 2016

Selvam

...Petitioner

vs.

1.The District Collector,
Salem District,
Salem - 636 001.

2.The Tahsildar,
Gangavalli Taluk,
Salem District.

3.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
NPKRR Maligai,
No.144, Annasalai,
Chennai - 600 002.

4.The Inspector of Police,
Veeraganur Police Station,
Salem District.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order in O.Mu.9286/2016/T.M.1 dated 07.10.2016, issued by the first respondent and consequently direct the first respondent to sanction the compensation for the death of petitioner's son namely Santhosh due to the electric shock on the negligence of the TANGEDCO.

For Petitioner : Mr.J.Hemakumar for
Mr.T.Arul.

For Respondents-1, 2 and 4 : Mr.C.Jaya Prakash,
Government Advocate.

For Respondent-3 : Mr.L.Jai Venkatesh



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O R D E R

The writ petition is filed seeking compensation for the death of the son of the petitioner, namely, Santhosh, is due to electrocution. The son of the petitioner was studying II Standard.

2. On 24.11.2015, when the son of the petitioner went along with one Pandi for cutting the leaves from the tree to goats and while the son of the petitioner was playing nearby the tree, a live electric cable was there and the son of the petitioner touched the same and died on the spot due to electric shock.

3. The petitioner states that the death of the son of the petitioner was occurred due to negligence on the part of the Electricity Board. The petitioner lost his seven year old son and he is the only son for the petitioner. A criminal case was registered in Crime No.148 of 2015 under Section 174 Cr.P.C. (electric shock) on 24.11.2015.

4. Under those circumstances, the petitioner submitted an application for grant of compensation. The first respondent-District Collector passed an order impugned stating that the son of the petitioner, who died due to electrocution and the application submitted through the Chief Minister's Cell was rejected merely on the ground that the son of the petitioner was not the earning member in the family.

5. The first respondent-District Collector, in this regard, may not be an Authority, as the petitioner ought to have sought for compensation from the Electricity Board. As per the Electricity Board proceedings, if at all the accident/death occurred due to electrocution, if established, the victims are entitled for compensation. The Electricity Board fixed a compensation/ex-gratia to the tune of Rs.5 lakhs.

6. In the present case, the death of the son of the petitioner is established and even the first respondent-District Collector in the impugned order, admitted that the son of the petitioner, namely, Santhosh, died due to electrocution, more specifically, on a rainy day.

7. When the death occurred due to electrocution is established, no further examination of evidences or documents are required and as per the Electricity Board proceedings, the fixed compensation/ex-gratia is to be paid to the family of the victim.



8. In view of the facts and circumstances, the order impugned passed by the first respondent-District Collector is quashed and the second respondent is directed to pay a sum of Rs.5 lakhs along with interest at the rate of 7.5% per annum from the date of death till the date of realisation to the petitioner. The abovesaid amount of Rs.5 lakhs along with interest at 7.5% per annum is to be settled, within a period of three months from the date of receipt of a copy of this order.

9. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

Svn

To

1.The District Collector,
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Salem - 636 001.

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3.The Chairman cum Managing Director,
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4.The Inspector of Police,
Veeraganur Police Station,
Salem District.

+1 CC to Mr.T. Arul, Advocate sr 60084
+1 CC to The Government Pleader sr 60031.

W.P.40593 of 2016

KG(CO)
SP(30/11/2021)