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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3008 of 2014

Mrs.B.Sumithra

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Co.,
No.144, Anna Salai,
Chennai -02.

2. The Superintending Engineer,
Chennai Electricity Distribution Circle - west,
Tamil Nadu Electricity Generation and Distribution Co.,
33KV, Thirumangalam SS Complex,
Anna Nagar, Chennai -40.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay adequate compensation to the petitioner for untimely death of Mr.M.K.Baskar due to electrocution on 18.05.2013 due to the negligence of the respondents.

For Petitioner : Mr.W.Thobias Arul

For Respondents : Mr.L.Jaivenkatesh
For TANGEDCO

O R D E R

The writ petition is filed to direct the respondents to pay adequate compensation to the petitioner for the death of her husband due to electrocution.

2. The petitioner states that her husband at about 9.30 p.m., on 18.05.2013 went to the upstairs of their house to sleep. The petitioner heard her husband screaming for help and they immediately rushed to the upstairs and found that the husband of the petitioner was in contact with the over head live electric wires running across the terrace and shivering due to the electric shock. Subsequently, the husband of the petitioner was died.



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3. The petitioner has earlier filed a petition before the State Consumer Redressal Commission and a detailed counter affidavit was filed by the respondent Board and thereafter, the petitioner withdrew the said case and filed the writ petition.

4. The learned counsel for the respondents state that the accident had occurred due to the negligence of the petitioner's husband, who unauthorizedly constructed the first floor and a small thatched tin sheet shed in the second floor even through overhead lines where in existence from 1965 and therefore, there was no negligence on the part of the Respondents.

5. It is brought to the notice of this Court that electric wire was there from the year 1965 and the husband of the petitioner had not obtained any permission for the construction of first floor in the said building and therefore, the Electricity authorities were not aware of all these facts at the time of electrocution of the husband of the petitioner.

6. This being the factum, this Court of an opinion that the case of the petitioner cannot be considered under the provisions of the Electricity Act for the purpose of grant of compensation. If the petitioner is eligible for any such compensation under any other legislation, it is left open to the petitioner to approach the competent Forum.

7. With these observations, the writ petition stand disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Co.,
No.144, Anna Salai,
Chennai -02.



2. The Superintending Engineer,
Chennai Electricity Distribution Circle - west,
Tamil Nadu Electricity Generation and Distribution Co.,
33KV, Thirumangalam SS Complex,
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+1cc to Mr.L.Jaivenkatesh, Advocate, S.R.No.66719

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RSI (CO)
CT 29/12/2021