



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.12.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.19723 of 2019

1. C.Arumugam
 2. Minor A.Sakthivel
Represented by his father and
Natural Guardian C.Arumugam
- ... Petitioners

Vs.

1. The Secretary to Government,
Electricity Board Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Chairman and Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-2.
3. The Chief Engineer, (Personal)
Tamil Nadu Generation and Distribution
Corporation Limited,
10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-2.
4. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
Villupuram.
5. The Executive Engineer O & M,
Tamil Nadu Generation and Distribution
Corporation Limited,
Marakkanam Road,
Tindivanam, Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the second respondent to consider the



petitioner's representation in pursuance of the letter No.074245/995/G35/G351/2018-1 dated 21.08.2018 of the 3rd respondent, consequently direct the respondents herein to enhance just and fair the compensation amount to a sum of Rs.50,00,000/- (Rupees Fifty Lakhs only) as jointly and severally and pay the same to the petitioners/legal representatives, who are the husband and son of the deceased.

For Petitioners : Mr.T.Dhanasekaran

For Respondent : Mrs.G.Sangamithirai R1
Special Government Pleader

Mr.Jai Venkatesh R2 to R5
Standing Counsel (TNEB)

O R D E R

This Writ Petition has been filed seeking a direction to the second respondent to consider the representation of the petitioner and to enhance the compensation amount.

2. The case of the petitioners is that the first petitioner is the husband and second petitioner is the son of the deceased Lalitha. On 12.08.2017, while she was collecting grass in the field, the damaged electric wires have fell on the said deceased Lalitha, due to which, she died on spot for electrocution. Therefore, the law enforcing agency registered a case in Crime No.603 of 2017. The post mortem was conducted, the report was issued and confirmed the death due to the electrocution. Therefore, the petitioner made a representation dated 16.08.2017 claiming a fair compensation from the respondents (TNEB). Till date, no order was passed. Hence, the petitioners have filed the present writ petition before this Court.

3. The learned counsel for the petitioners submitted that though the 3rd respondent informed the petitioner vide letter dated 21.08.2018 wherein it has stated that a compensation of Rs.2,00,000/- will be given for the person who died in electrocution, for which, the petitioners have to submit the relevant documents to claim the compensation. The learned counsel submitted that the second respondent may directed to pay a sum of Rs.2,00,000/- as per the letter of the 3rd respondent within the stipulated time as fixed by this Court. Further, the learned counsel seeks liberty to the petitioner to raise an additional claim for the death of the deceased Lalitha before the District Legal Services Authority under the Victim



Compensation Scheme, 2013.

4. The learned Standing counsel for the respondents (TNEB) submitted that as per the letter dated 21.08.2018, the petitioners are entitled to get a sum of Rs.2,00,000/- from the 4th respondent and the said amount will be deposited within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioners and the learned Special government Pleader for the first respondent and the learned Standing Counsel for the respondents 2 to 5 and perused the materials available on record.

6. Considering the facts and circumstances of the case and the consent view expressed by the learned counsel on bothsides, this Court is inclined to pass the following directions:

a. The 4th Respondent is directed to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in favour of the petitioners within a period of four weeks from the date of receipt of a copy of this order. It is made clear that out of the said amount of Rs.2,00,000/-, the 4th respondent shall deposit to the petitioners for each sum of Rs.1,00,000/- ;

b. the petitioners are at liberty to file an appropriate claim before the District Legal Services Authority under the Victim Compensation Scheme, 2013 within a period of four weeks, thereafter; and

c. after filing the said petition, the District Legal Services Authority shall consider the same and pass appropriate orders on merits after affording opportunity to both the parties in accordance with law as expeditiously as possible.

7. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Electricity Board Department,
Government of Tamil Nadu,
Secretariat, Chennai-9.
2. The Chairman and Managing Director,
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Corporation Limited,
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Tamil Nadu Generation and Distribution
Corporation Limited,
Marakkanam Road,
Tindivanam, Villupuram District.

Copy to:

The Member Secretary,
District Legal Services Authority,
Chennai.

+1cc to Mr.T.Dhanasekaran, Advocate, S.R.No.63324

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.63629

+1cc to the Government Pleader, S.R.No.62982

W.P.No.19723 of 2019

CA (CO)
SU (22/12/2021)