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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2021

CORAM:

THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.NO.19443 OF 2018

V.Asaithambi

...Petitioner

.Vs.

1. The State of Tamil Nadu,
rep. by its Secretary,
Electricity, Non-conventional Energy Development,
Prohibition and Excise, Molasses,
Secretariat, Chennai - 600 009.
2. The State of Tamil Nadu,
rep. by its Secretary,
Health, Medical Education and Family Welfare,
Secretariat, Chennai - 600 009.
3. The Principal Secretary,
Electricity Board, NPKRR Ramasamy Maaligai,
144, Anna Salai, Chennai - 600 002.
4. The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
Eastern Wing, 10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.
5. The Director,
Kilpauk Medical College,
Chennai - 600 010.
6. The Chief Engineer,
TANGEDCO,
Distribution, Chennai South,
NPKRR Maaligai, 5th A Block,
Electricity Avenue,
144, Anna Salai, Chennai 600 002.



7. The Assistant Executive Engineer,
(TANGEDCO),
Kadapperi, Kadaperi SS Complex,
Near MEPZ, Kadaperi, Chennai - 600 045.

... Respondents

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Prayer:

Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 to 4 to pay a compensation to the petitioner for the death of his son Aravindan due to the negligent act on the part of the respondents.

For Petitioner	:	M/s.I.Abrar Md Abdllah
For Respondents 1 & 2	:	Mr.M.Shahjahan Special Government Pleader
For Respondents 3, 4, 6 & 7:	:	Mr.L.Jai Venkatesh Standing Counsel
For Respondents 5	:	Mr..E.Sundaram Government Advocate

O R D E R

The prayer in this Writ Petition is for issuance of a mandamus, to direct the respondents 1 to 4 to pay a compensation to the petitioner for the death of his son Aravindan due to the negligent act on the part of the respondent-TANGEDCO.

2. The learned counsel appearing for the petitioner submits that petitioner's son, by name Aravindan, who was a student, pursuing Electrical and Communication Engineering, III year, went to the petitioner's relatives house, which is situated at No.83, 3rd Cross Street, Moulana Nagar, Kadaperi, Tambaram, to spend his vacation. On 18.12.2014, when the petitioner's son went to the terrace of the said house, as there was a high tension electric cable, which was negligently installed and maintained by the respondent-TANGEDCO, when his son came into contact with live high tension cable, he was electrocuted. Hence, the petitioner has filed this Writ Petition seeking for compensation.



3. Mr.L.Jai Venkatesh, the learned Standing Counsel appearing for the respondent-TANGEDCO fairly submits that electrocution may be on the part of the respondents. Therefore, the learned Standing Counsel submitted in these type of cases, the Board has taken a policy decision, dated 06.10.2019, in case of fatal death, the LRS of the deceased are entitled to get a sum of Rs.5,00,000/- as compensation. Therefore, he submits that the petitioner is entitled to only a sum of Rs.5,00,000/- along with an interest of 7.5%.

4. Heard the learned counsel appearing for the petitioner and learned Counsel for respondents, and perused the materials placed on record.

5. Since it is pointed out by the learned Standing Counsel for the respondent-TANGEDCO that the respondent-TANGEDCO has taken a policy decision, dated 06.10.2019, that, in case involving fatal death, the legal heirs of the deceased are required to be given compensation of Rs.5,00,000/-, this Court directs the respondents 1 to 4 to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) along with 7.5% interest from the date of death of Aravindan, i.e. 19.12.2014 to till the date of realization of the amount. The aforesaid exercise shall be carried out by the respondents 1 to 4 within a period of twelve weeks from the date of receipt of the copy of this order. It is also made clear that, if the petitioner is not satisfied with the compensation, he is at liberty to agitate his claim before the Civil Court, if he is so advised.

6. In the result, this Writ Petition is partly allowed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

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rep. by its Secretary,
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Kadapperi, Kadapperi SS Complex,
Near MEPZ, Kadapperi, Chennai - 600 045.

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.65441
+1cc to the Government Pleader, S.R.No.65841

W.P.No.19443 of 2018

NRL (CO)
PM/05/01/2022