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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WP No.14808 of 2017

1. Mr.M.Praba

2. M.Chithra Lekha (Minor)

3. M.Dharshini (Minor)

Minor petitioners 2 and 3 rep.by their Mother
and Natural Guardian M.Praba

4. Mrs. Kuppammal

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Petitioners

-Vs-

1. The Government of Tamil Nadu
Rep by its Secretary,
Department of Electricity
Fort St George, Chennai - 600009

2. TANGED Co Ltd,
(TN Electricity Board)
Rep by its Chairman,
No.800, Anna Salai,
Chennai-2

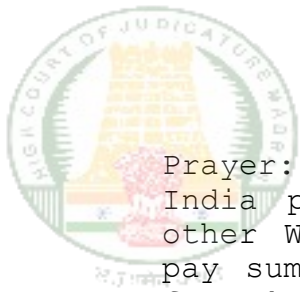
3. The Junior Engineer,
TANGED Co Ltd, (TNEB)
Kelambakkam Divisional Office,
Kelambakkam,
Kanchipuram District

4. The Assistant Engineer
TANGED Co Ltd (TNEB)
Mambakkam Divisional Office,
Mambakkam,
Kanchipuram District.

5. The State of Tamil Nadu,
represented by Inspector of Police,
Kelambakkam Police Station,
Kelambakkam,
Kanchipuram District.

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Respondents



Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other Writ or direction, directing the respondents 1 to 3 to pay sum of Rs.30,52,400/- (Thirty lakhs fifty two thousand and four hundred only) as compensation with 9% interest from the date of filing of writ petition till its realisation in full, towards the loss of estate and dependency, on account of electrocution death of 1st petitioner's husband (late) R.Munusamy, on 27.01.2017 registered in Crime No. 56 of 2017 on the file of 4th respondent, within a time frame time as may be fixed by this Hon'ble Court.

For Petitioner : M/S.R.Veeramani

For Respondents: Mr. A.Selvendran

Government Advocate for R1 & R5

Mr. L.Jaivenkatesh

Standing Counsel for R2 to R4

O R D E R

This writ petition has been filed seeking for compensation for the untimely death of the 1st petitioner's husband due to electrocution.

2. The 1st petitioner is the wife of the deceased, the second and 3rd petitioners are the minor daughters of the deceased and the 4th petitioner is the mother of the deceased.

3. The case of the petitioners is that on 27.01.2017 when the 1st petitioner's husband was returning back from work at about 7:30 pm, he came in contact with a live wire that was lying in the cement road. As a result of the same, he sustained burn injuries and he died on the same day. It is also seen from the post-mortem certificate that the cause of death was shock due to electrocution.

4. The petitioners have approached this Court seeking for compensation on the ground that the death was caused due to the negligence on the part of the respondents. The respondents 2 to 4 have filed a counter affidavit and they have factually disputed the manner in which the accident had taken place and hence, according to the respondents, since the case involves disputed questions of facts, the petitioners should only approach a competent Civil Court and seek for compensation. The petitioners have also filed a reply affidavit by denying the factual stand that has been taken by the respondents.

5. Heard the learned counsel for the petitioner and Mr. A.Selvendran, learned Government Advocate for respondents 1 and 5 and Mr. L.Jaivenkatesh, learned Standing Counsel for



respondents 2 to 4.

6. The specific case of the petitioners is that the 1st petitioner's husband came in contact with a live wire that had snapped and fallen down in a wet cement road. Therefore, according to the petitioners, the accident had taken place only due to the negligence on the part of the respondents in not properly maintaining the electricity wire.

7. Per-contra the learned Standing counsel appearing on behalf of the department submitted that the accident itself had taken place inside the house and it had not taken place in the road as claimed by the petitioners. The learned Standing counsel submitted that statements to that effect were also given by the witnesses, when they were examined by the police in the course of investigation in Cr.No. 56 of 2017, which was registered under section 174 of Cr.PC.

8. In the considered view of this Court, this Court does not want to go into the factual disputes, considering the nature of jurisdiction exercised by this Court. However, the untimely death of the bread winner must have seriously affected the very livelihood of the petitioners. Therefore, they must be provided with some solace before they are directed to approach the Competent Court and seek for compensation by proving the negligence on the side of the respondents. This Court also takes into account the proceedings of the TANGEDCO in Proceeding No. 6 dated 16.10.2019 wherein for fatal accident, exgratia payment is paid on compassionate ground to an extent of Rs.5 lakhs.

9. In view of the above, there shall be a direction to the 4th respondent to pay a compensation of Rs.5 lakhs in the name of the 1st petitioner, within a period of 4 weeks from the date of receipt of copy of this order. This compensation will only be considered as an ad-hoc compensation. It is left open to the petitioners to move the appropriate Court seeking for enhanced compensation by proving the negligence on the side of the respondents. While fixing the final compensation, the concerned Court shall take into account the interim compensation granted by this Court and accordingly, fix the compensation.

10. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar



rka/sha

To

WEB COPY

1.The Secretary, Government of Tamil Nadu
Department of Electricity
Fort St George, Chennai - 600009

2.The Chairman, TANGED Co Ltd,
(TN Electricity Board)
No.800, Anna Salai,
Chennai-2

3.The Junior Engineer,
TANGED Co Ltd, (TNEB)
Kelambakkam Divisional Office,
Kelambakkam,
Kanchipuram District

4.The Assistant Engineer
TANGED Co Ltd (TNEB)
Mambakkam Divisional Office,
Mambakkam,
Kanchipuram District.

5.The Inspector of Police,
State of Tamil Nadu,
Kelambakkam Police Station,
Kelambakkam,
Kanchipuram District.

+lcc to Mr.L.Jaivenkatesh, Advocate, S.R.No.48376

+lcc to Mr.K.Veeramani, Advocate, S.R.No.48482

+lcc to the Government Pleader, S.R.No.48538

Writ Petition No.14808 of 2017

GPL(CO)
CB(02/11/2021)