



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

The Hon'ble Mr.Justice Krishnan Ramasamy

W.P.No.27901 of 2017

Alamelu

...Petitioner

Vs.

1. The Chairman,
TANGEDCO, Chennai.
2. The Superintending Engineer,
TANGEDCO, Villupuram.
3. The Divisional Engineer,
TANGEDCO, Tindivanam.
4. The Assistant Executive Engineer (Operation and Maintenance),
TANGEDCO, Tindivanam.
5. The Junior Engineer (Operation and Maintenance)
TANGEDCO,
V.Parangeni,
Vanoor Taluk,
Villupuram District.

...Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to pay a compensation of sum of Rs.20,00,000/- (Twenty Lakhs only) to the death of the petitioner's husband namely Sivakumar due to electrocution.

For Petitioner : M/S.G.Mohammed Aseef

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

The prayer in this Writ Petition is, for issuance of a Writ of Mandamus, to direct the respondents to pay a sum of Rs.20,00,000/- as compensation to the petitioner for the death



of one Sivakumar, who is the husband of the petitioner.

2. Mr.G.Mohammed Aseef, learned counsel appearing for the petitioner submits that petitioner's husband, late Sivakumar, was the only breadwinner of the family. He worked as Assistant at E-Max Manufacture Pvt.Ltd, Sethurapattu, Puducherry. On 14.11.2016 at 5.00 a.m., the petitioner's husband went to his farm land to shower water. As ill luck would have it, there was a snapped live high tension electric wire, lying on the road, and when the said Sivakumar came into contact with the snapped wire, he was electrocuted at the spot. Regarding the said tragic incident, a complaint has been lodged before the concerned police, which was registered as a case in Crime No.339 of 2016, wherein, it has been alleged that the respondent-Electricity Board is not proper in maintaining the electric wires, and it was only due to their negligence and recklessness, the husband of the petitioner died and therefore, the petitioner has to be compensated since she has no source of income to eke out her and her son's livelihood.

3. Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents fairly submits that the electrocution may be on the part of the respondents, but due to heavy rain, the electric wire got snapped and fell on the road. The petitioner's husband got into contact with that electrocution wire fell on the road. As a result, the petitioner's husband had passed away. Therefore, the learned Standing Counsel submitted that 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% p.a..

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

5. There is no dispute with regard to the death of Sivakumar on 14.11.2016, and the death occurred due to electrocution as the electric wire got snapped and fell on the ground due to heavy rains, which led to death of the husband of the petitioner. Had the respondent-Board been proper and regular in maintaining the electric wires (with due care and caution), the electric wire would not have got snapped, nor the petitioner would have lost her husband, and petitioner's son has become fatherless child in the society. Therefore, since the petitioner lost her husband in the tragic incident occurred, she is certainly entitled to the compensation.

5.1 Since it is pointed out by the learned Standing Counsel



for the respondent-Electricity Board 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/- and learned counsel appearing for the petitioner is also agreeable to receive the said sum as compensation, this Court directs the second respondent to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) along with 7.5% interest from the date of death of Sivakumar, i.e. 14.11.2016 till the date of payment of the said amount. The aforesaid exercise shall be carried out by the second respondent within a period of twelve weeks from the date of receipt of the copy of this order.

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

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Chairman,
TANGEDCO, Chennai.
2. The Superintending Engineer,
TANGEDCO, Villupuram.
3. The Divisional Engineer,
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TANGEDCO, Tindivanam.
5. The Junior Engineer (Operation and Maintenance)
TANGEDCO, V.Parangeni,
Vanoor Taluk, Villupuram District.

+1cc to M/s.G.Mohammed Aseef, Advocate, S.R.No.62667

+1cc to Mr.L.Jai Venkatesh, Advocate, S.R.No.63623

W.P.No.27901 of 2017

BR(CO)
SU(28/12/2021)