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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM:

The Hon'ble Mr. Justice Krishnan Ramasamy

W.P.No.28455 of 2018

1. Pattu
2. Manju
3. Manikandan
4. Sindhuja

...Petitioners

Vs.

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Anna Salai, Chennai 600 002.
2. The Superintendent Engineer,
Tamil Nadu Electricity Generation and
Prohibition Corporation (TANGEDCO),
Udaiyapatti By-Pass Road,
Kamarajar Nagar,
Salem Town, Salem District.
3. The Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Electricity Sub-Station
Singapuram Village and Post,
Valapadi Taluk, Salem District.
4. The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Pethanaickenpalayam Town and Taluk,
Salem District.
5. The Assistant Engineer,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Pethanaickenpalayam Town and Taluk,
Salem District.

...

Respondents



Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents herein to pay a compensation of sum of Rs.10,00,000/- to the petitioners for the death of the 1st petitioner's husband and father of the petitioners 2 to 4 herein namely Kalaimani (deceased aged 44 years) as a result of electrocution.

For Petitioners : M/S.L.Mouli

For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

O R D E R

The prayer in this Writ Petition is for issuance of a mandamus on the respondents to pay a sum of Rs.10,00,000/- as compensation to the petitioners for the death of one Kalaimani, who is the husband of the first petitioner, and father of petitioners 2 to 4.

2. Mr. M/S.L.Mouli, the learned counsel appearing for the petitioners submits that first petitioner's husband, late Kalaimani, was the only breadwinner of the family. He was involved in occupation of climbing palm trees and coconut trees and was earning a sum of Rs.750/- daily. On 22.04.2007, at 5.30 a.m., the first petitioner's husband went for the field work. As ill luck would have it, there was a snapped live high tension electric wire, lying on the road, and when the said Kalaimani, (who left for work in his bicycle) came into contact with the snapped wire, he was electrocuted. Regarding the said tragic incident, a complaint has been lodged, which was registered as a case in Crime No.201 of 2007, 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 said Kalaimani died, and therefore, the petitioners have to be compensated.

3. Mr.L.Jai Venkatesh, the learned Standing Counsel appearing for the respondents fairly submits that electrocution may be on the part of the respondents, due to heavy rain, the electric wire got snapped and fell on the road. The 1st petitioner's husband got into contact with that electrocution wire felt on the road. As a result, the 1st petitioner's husband had passed away. 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 petitioners are entitled to only a sum of Rs.5,00,000/- along with an interest of 7.5%.

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

5. There is no dispute with regard to the death of Kalaimani on 22.04.2007, and the death occurred due to heavy rain, the electric wire got snapped and led to death of Kalaimani. 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 does the first petitioner would have lost her husband, and petitioners 2 to 4 would have become fatherless children in the society. Therefore, the tragic incident occurred, for which, the petitioners are 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 petitioners 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 Kalaimani, i.e. 22.04.2007 to till the date of realization of the 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.

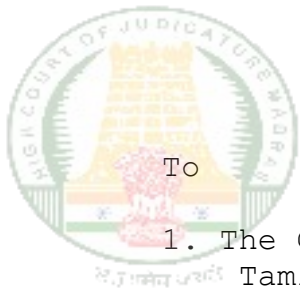
Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

jd/sd



To

1. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
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Chennai 600 002.
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+1cc to Mr.L.Mouli, Advocate SR.No.60166

W.P.No.28455 of 2018

SS(CO)
GN(13/12/2021)