



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.02.2021**

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P (MD) No.15200 of 2011

WEB COPY

P.Murugan

.. Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai.

2.The Divisional Engineer,
Tamil Nadu Electricity Board,
Tirunelveli Division,
Tirunelveli District.

3.The Executive Engineer (Supply)
Tamil Nadu Electricity Board,
Tirunelveli Division,
Tirunelveli District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.10 Lakhs as compensation for the death of the petitioner's wife due to electrocution on failure to perform the duty of the respondent on 09.08.2011 and to pay the interest to till the realisation of the amount.

For Petitioner	:	Mr.C.Jeganathan
For Respondents	:	Mrs.Rajeswari, for Mr.S.M.S.Johnny Basha

ORDER

The case of the petitioner is that his wife, while washing clothes at the public pathway in the Village, nearby electric pole, overhead wire got snapped and fallen on his wife and due to the electric shock, the petitioner's wife suffered injury and thereafter she succumbed to injury on 09.08.2011. An FIR came to be registered under Section 174 CrPC in Crime No.89 of 2011 and postmortem certificate establishes that the petitioner's wife died of electrocution due to the negligence of the respondents.

2.In the said circumstances, the writ petition has been filed seeking direction to the respondents for payment of compensation to the tune of Rs.10 Lakhs. After issuance of notice, the third



respondent has filed a counter affidavit and in paragraph 3 of the said counter affidavit it has been stated as follows:

"3.I humbly submit that the writ petitioner sought compensation for the death of his wife on 09.08.2011. The service line in S.C.No.027-013-102 broken due to old wire. The service line is four lines wire in which one line fell due to old wire it was seen by the deceased by touching the wire got electrocuted. The negligent act of the respondent can be pleaded and proved before the competent civil forum only. TANGEDCO by his proceedings dated 29.04.2013 granted ex-gratia under no fault liability(fatal) for a sum of Rs.2,00,000/- it was enhanced by its proceedings dated 16.10.2019 for a sum of Rs.5,00,000/-.

3.The learned Counsel for the respondents would submit that the Board is inclined to grant Rs.5,00,000/- compensation to the petitioner for his wife's death and if the petitioner is not satisfied with the offer and wants enhanced compensation, the petitioner can approach the Civil Court and quantify any higher amount that may be payable in the facts and circumstances of the case.

4.In view of the averments as contained in the counter affidavit, which is extracted supra and also the submission made on behalf of the learned Counsel for the respondents, the writ petition is disposed of with the following directions.

(i) the respondents are directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakh Only) as compensation to the petitioner, after due verification, in terms of their undertaking given by the respondents, within a period of four weeks from the date of receipt of a copy of this order; and

(ii) in case the petitioner is inclined to seek more compensation, it is upto him to work out his remedy in a manner known to law. No costs.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dsk



To

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai.

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Tirunelveli District.

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