



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2021**

CORAM

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

W.P(MD)No.5994 of 2021

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Selvi

...Petitioner

Vs

1. The District Collector,
Kanyakumari District,
Nagercoil.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Inspector of Police,
Karungal Police Station,
Karungal, Kanyakumari District.
4. The Home Secretary,
Secretariat, Fort St George,
Chennai.
5. The Chief Engineer,
Tamil Nadu Electricity Distribution
Circle,
Maharaja Nagar, Tirunelveli.
6. The Assistant Engineer,
Tamil Nadu Electricity Distribution
Circle,
Killiyur, Tholaivattam Post,
Kanyakumari District
7. The Principal Secretary to Government,
Electricity Department (Energy),
Secretariat, Fort St George,
Chennai.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant a compensation of Rs.40,00,000/- (Rupees Forty Lakhs only) to the petitioner.

For Petitioner

: Mr.S.Titus

For Respondent

: Mr.C.Ramesh,

Special Government Pleader



ORDER

The case of the petitioner is that her husband was a Milk Vendor and on 13.09.2018 as he was returning home after distribution of milk, the electric post suddenly fell on him and he was injured and subsequently, succumbed to injuries. A case was registered in Crime No.306 of 2018 under Section 304 IPC read with Section 134 of Motor Vehicles Act against the Driver of an unknown lorry.

2.The petitioner claims that the electric pole was in a damaged condition and therefore, it could not withstand the impact of the unknown lorry hitting against the pole and therefore, the electricity department is liable to pay compensation and the compensation claimed by the petitioner in this writ petition is for a whopping sum of Rs.40,00,000/-.

3.From the averments it can be seen that the death was caused by a road accident and not due to electric pole falling on the petitioner's husband on its own. In any event, a representation was made to the 5th respondent and in response to the same, a reply was given on 25.02.2019. In the letter the Assistant Engineer clearly addressed the communication to the Advocate appearing for the petitioner that the electricity department could not in any way be held liable as the petitioner's husband died in the road accident. According to the letter, there was never and ever any complaint of any damage of electric pole in that area from the local people and therefore it was a false claim made against the electricity department by the petitioner.

4.The writ petition is not maintainable for two important reasons. The amount that has been claimed is highly exaggerated, which cannot be countenanced both in fact and in law. The petitioner in fact has not come up with any specific reason as to how the petitioner can first of all lay any claim against the electricity department, when the fact of the matter was that her husband died in a road accident.

5.Even otherwise, the petitioner's claim as against the electricity department has been rejected by the letter of the Assistant Engineer, Distribution, Tamil Nadu Electricity Board, Killiyur, dated 25.02.2019 and without challenging the said rejection order, the petitioner cannot maintain a mandamus writ petition. Unless the petitioner challenges the rejection order coupled with the fact that the petitioner comes up with clear case on fastening the liability on the electricity department, such a claim cannot be maintained.



6. For the above stated reasons, the writ petition is dismissed.
No costs.

Sd/-

Assistant Registrar (records)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

To

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+1 CC to M/s.SPL GP (SR-12141[F] dated 18/03/2021)

W.P (MD)No.5994 of 2021
17.03.2021

VR (CO)

KB (15.04.2021) 3P 9C