



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15297 of 2021

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A.Fathima

... Petitioner

Vs.

- 1.The Secretary to Government,
Energy Department, Fort St.George,
Chennai-9.
- 2.The Chief Engineer,
Tamil Nadu Electricity Generation and Distribution
Corporation (TANGEDCO) Limited,
No.10, East Main Road,
Vellore-632 506.
- 3.The Superintending Engineer,
TANGEDCO,
Electric Distribution Circle (Metro),
K.Puthur, Madurai-7.
- 4.The Assistant Engineer,
TANGEDCO, Tahoor Nagar Division,
Madurai-2.
- 5.The Assistant Executive Engineer,
TANGEDCO (Metro),
Tamukam, Madurai.
- 6.The Commissioner,
O/o Madurai Commissioner,
Anna Maligai, Tallakulam, Madurai-625 020.
- 7.The Manager,
Udhayam Cable TV Network,
4424, Tamil Nadu Housing Board Colony,
Villapuram, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay a sum of R.50,00,000/- (Rupees Fifty Lakhs only) to the petitioner as a compensation for the death of the petitioner's husband due to electrocution accident on 03.04.2019 by considering the petitioner's representation dated



For Petitioner : Mr.S.M.A.Jinnah
For R-1 : Mr.P.Subbaraj,
Counsel for State.
For R-2 to R-5 : Mrs.M.Rajeswari
for Mr.S.M.S.Johny Basha
Standing Counsel

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ORDER

The petitioner claims compensation of Rs.50,00,000/- (Rupees Fifty Lakhs only) for the death of her husband due to electrocution on 03.04.2019. According to the petitioner, her husband was electrocuted on 03.04.2019 as a result of the TV Cable wire getting mangled with the electric wires from an electric pole installed by the Tamil Nadu Electricity Generation and Distribution Corporation Limited (TANGEDCO). It is stated that a police complaint was lodged in respect thereof. It is also stated that a sum of Rs.1,00,000/- (Rupees One Lakh only) was paid from and out of the Tamil Nadu Chief Minister's Relief Fund. However, the petitioner states that her husband was the sole bread winner and that, therefore, the petitioner is entitled to compensation from TANGEDCO for negligence. In spite of submitting representations on 11.04.2019 and 29.04.2021, it is stated that no action has been taken by the TANGEDCO.

2. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first respondent and Mrs.M.Rajeswari, learned counsel appearing for Mr.S.M.S.Johny Basha, learned Standing Counsel for the TANGEDCO, accepts notice on behalf of respondents 2 to 5. Mrs.M.Rajeswari submits that the petitioner's representation would be considered and disposed of on merits.

3. A claim for compensation in respect of alleged negligence should originally be carried to a civil court since it would involve disputed questions of fact. Nevertheless, if TANGEDCO is willing to pay compensation in terms of an applicable scheme, resort to a civil court may not be necessary. In any event, TANGEDCO should consider and dispose of the petitioner's request for compensation expeditiously.

5. Accordingly, W.P.(MD).No.15297 of 2021 is disposed of by directing the third respondent herein to consider the petitioner's representation dated 29.04.2021 by taking into account all relevant orders and schemes of TANGEDCO in such regard. Such representation shall be disposed of within a period of two (2) months from the date of receipt of a copy of this order by a reasoned communication. Before issuing orders, a reasonable



opportunity should be provided to the petitioner. It is made clear that if the petitioner is dissatisfied with the offer of compensation, it will be open to the petitioner to approach a jurisdictional civil court for such compensation. There will be no order as to costs.

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Sd/-

Assistant Registrar (RECORDS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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- 5.The Assistant Executive Engineer,
TANGEDCO (Metro),
Tamukam, Madurai.



6.The Commissioner,
O/o Madurai Commissioner,
Anna Maligai, Tallakulam, Madurai-625 020.

+1 CC to M/s.SPL GP (SR-27632[F] dated 31/08/2021)

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W.P (MD) No.15297 of 2021
27.08.2021

PS (CO)
SB (07.09.2021) 4P 8C