



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Third day of February Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

WMP(MD) No.17449 of 2017
IN WP(MD) No.19035 of 2017

- 1 THE CHAIRMAN, TANGEDCO LTD.,
144, ANNA SALAI, CHENNAI-02.
 - 2 THE SUPERINTENDING ENGINEER,
TAMIL NADU ELECTRICITY BOARD,
KANYAKUMARI ELECTRICITY DISTRIBUTION CIRCLE,
PARVATHIPURAM, NAGERCOIL,
KANYAKUMARI DISTRICT.
 - 3 THE ASSISTANT EXECUTIVE ENGINEER(DISTRIBUTION),
TAMIL NADU ELECTRICITY BOARD,
KUZHITHURAI, KANYAKUMARI DISTRICT.
 - 4 THE JUNIOR ENGINEER(DISTRIBUTION),
TAMIL NADU ELECTRICITY BOARD, ERAVIPUDUR KADAI,
KANYAKUMARI DISTRICT.
- ... PETITIONERS/ RESPONDENTS

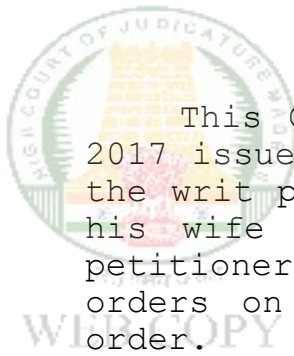
-Vs-

T.JOSEPH ... RESPONDENT/ WRIT PETITIONER

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to clarify the order dated 12.10.2017 passed in WP(MD)No.19035 of 2017.

Prayer in WP(MD)No.19035 of 2017: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay a compensation and damages of Rs.10,00,000/- (Rupees Ten Lakhs only) with 9% accrued interest per annum to the petitioner for causing death to his deceased wife Pushpalatha, aged about 45 years due to the negligent act of the respondents.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mrs.S.SRIMATHY, Advocate for Mr.S.JOHNNY BASHA, Advocate for the petitioners and of Mr.C.KISHORE, Advocate for the Respondent, the court made the following order:-



This Court, by order, dated 12.10.2017 in W.P.(MD).No.19035 of 2017 issued a direction to the respondents to consider the claim of the writ petitioner in respect of the compensation for the death of his wife on account of electrocution on the basis of the writ petitioner's representation dated 20.02.2017 and pass appropriate orders on merits within a period of six weeks from the date of order.

2. Thereafter the respondents filed the present clarification petition in W.M.P.(MD).No.17449 of 2017 to clarify as if the accident is a mysterious death. In paragraph No.4 of the said petition, it is stated that when the concerned officials visited the spot and the officials could not see any hanging wire or any wire lying on the earth. The wires were intact in the places and there is no evidence of any electrical accident. Whenever there is any wire hanging or fell on the earth or any electrical accident has occurred, then TANGEDCO would receive complaint and the officials would visit the accident spot and would submit accident report. But in the case on hand, the official respondents never received any complaint and since the wires were intact, the official respondents have come to the conclusion that the accident has not occurred at all. Hence, it is not the mistake on the part of the official respondents and hence, the petitioner is not entitled for compensation as ordered by this Court.

3. Heard both side.

4. This Court has already passed a detailed order on merits and directed the respondent officials to pay the compensation for the victim's family within the period of six weeks from the date of order and without complying the said order, the official respondents filed this clarification petition which is not sustainable in the eye of law. Since, this Court does not find any merits in this clarification petition, this petition stands dismissed.

sd/-
03/02/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE CHAIRMAN, TANGEDCO LTD.,
144, ANNA SALAI, CHENNAI-02.



- 2 THE SUPERINTENDING ENGINEER,
TAMIL NADU ELECTRICITY BOARD,
KANYAKUMARI ELECTRICITY DISTRIBUTION CIRCLE,
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TAMIL NADU ELECTRICITY BOARD, ERAVIPUDUR KADAI,
KANYAKUMARI DISTRICT.

ORDER IN
WMP(MD) No.17449 of 2017
IN
WP(MD) No.19035 of 2017
Date :03/02/2021

MS/JC/SAR-1/08.02.2021/2P.5C