



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.37677 of 2004
and WPMP.No.198 of 2004

1.Raniammal (Died)

2.S.Kala

3.Mr.N.Venkatesh

4.D.Vishalakshi

(P2 to P4 are substitute as LRs of deceased P1.Smt.Raniammal as per order passed by this Court in WMP.No.37057/2016 in W.P.No.37677/2004, dated 10.07.2017)

... Petitioners

Vs.

1.The Tamilnadu Electricity Board,
rep, by its Chairman and Managing Director,
Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
Electricity Distribution Circle,
Anna Building,
Oli Mohamad Pettai,
Kancheepuram 631 592.

3.The District Collector,
Kancheepuram District.

4.The Commissioner
Greater Chennai Corporation,
Rippon Buildings, Park Town
Chennai-600 007.

... Respondents

(R4 impleaded as per order of this Court in W.M.P.29466 of 2019, in WP.No.37677/2004, dated 17.10.2019)

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of mandamus, directing the respondents to pay compensation of Rs.10,00,000/- (Rupees Ten Lakhs only) for the death of her husband i.e.M.Natarajan, on the



WEB COPY

ground of tortuous strict liability and also to provide a job for her son on compassionate grounds.

For Petitioners : Mr.K.S.Shajahan

For R1 & R2 : Mr.L.Jaivenkatesh
Standing Counsel

For R3 : Mr.M.Rajendiran
Additional Government Pleader

O R D E R

On 12.04.2001, one Mr.Natarajan and Mani, while walking near Guindy Subway, Anna Salai, Chennai, in front of Ravi Petrol Bunk, the said Natarajan fell into the open water ditch, which was exposed to live electric wire and he was electrocuted and died on the spot. Hence, the petitioner/wife of the deceased viz., Raniammal, gave a representation on 26.04.2002 to the respondents and the respondents have directed his wife to meet officer along with relevant records. Eventhough, she waited long, no reply was coming fourth. Hence, she filed the above writ petition.

2.During the pendency of the writ petition, she also died and other legal representatives of said Raniammal and M.Natarajan, were impleaded as parties to the writ petition.

3.The legalheirs herein contended that the negligence on the respondents caused death to the bread winner of the family and that his family is facing severe hardship till date.

4.Mr.L.Jaivenkatesh, learned Standing Counsel appearing for the respondents 1 and 2, would contend that the entire liability shall be on the Municipality, which maintains the Board, because the petitioner fell down into the stagnant water and got electrocuted and died on the spot. Therefore, TNEB is not liable to pay any compensation.

5.Heard the submissions.

6.Admittedly, the untoward incident had happened on 12.04.2001 and immediately a first information report was lodged. Further, FIR would state that the husband of the petitioner was electrocuted, when he slipped inside the ditch. The postmortem was also conducted on the same day. The Forensic Department gave a final opinion that the cause of the death was



due to electrocution. Therefore, it is clear that the said Natarajan died of electrocution.

7.The learned counsel for the petitioner submitted that the legal heir certificate contains the names of the petitioners. Therefore, the petitioners are entitled to get the compensation for death of head of the family on account of electrocution.

8.The learned counsel for the respondents 1 and 2 would produce the orders issued by the Administration Branch of TANGEDCO in proceeding No.6, dated 16.10.2019, wherein, in case of accident, the compensation payable by TANGEDCO has been mentioned and as per which, for fatal cases, the compensation payable is Rs.5,00,000/-. In the instant case, the petitioner was electrocuted and died on the very same day. Therefore, the writ petitioners are entitled to get a sum of Rs.5,00,000/- as compensation with interest at the rate of 6% per annum from the date of the accident till the date of disposal. Further, this Court inclined to direct the respondents 1 and 2 to disburse the payment within a period of twelve weeks from the date of receipt of a copy of this order.

7.Accordingly, this writ petition is ordered. No costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

dua

To

1.The Chairman and Managing Director,
Tamilnadu Electricity Board,
Anna Salai, Chennai-600 002.

2.The Superintending Engineer,
Electricity Distribution Circle,
Anna Building, Oli Mohamad Pettai,
Kancheepuram 631 592.

3.The District Collector,
Kancheepuram District.



4.The Commissioner
Greater Chennai Corporation,
Rippon Buildings, Park Town
Chennai-600 007.

WEB COPY

+1 cc to Government Pleader sr 13738
+1 cc to Mr.K.Shajahan Advocate sr13181

W.P.No.37677 of 2004
and WPMP.No.198 of 2004

ak-II(co)
aa09/06/2022