



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.9813 OF 2018

K.Kishore Kumar,
S/o. K.Kumar

...Petitioner

Versus

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Energy Department, Secretariat,
St. George Fort, Chennai-9.

2.The Tamil Nadu Electricity Board,
rep. by its Chairman,
N.P.K.R.R. Maaligai,
Electricity Avenue, No.44,
Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
(Chennai EDC Central),
No.97, Kodambakkam High Road,
1st Floor, Nungambakkam,
Chennai-600 034.

4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
No.26, West Cott Road,
Royapettah, Chennai-600 014.

5.The Assistant Engineer,
Tamil Nadu Electricity Board,
No.26, West Cott Road,
Royapettah, Chennai-600 014.

...Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direction directing the respondent to grant appropriate compensation for Rs.5,00,000/- with 18% interest from the month of September to till realisation to the petitioner due to electrocution on 14.09.2017 as this court may



deem fit and proper considering the facts and circumstances of the case.

For Petitioner : Mr.N.S.Sivakumar

For Respondents : Mr.S.Premkumar,
Govt. Advocate for R1

Mr.L.Jai Venkatesh,
Standing Counsel for R2 to R5

O R D E R

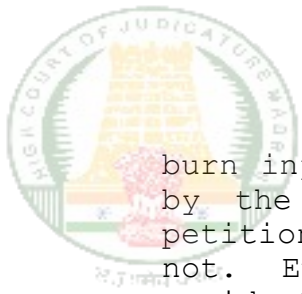
This Writ Petition has been filed seeking a direction directing the respondent to grant compensation of Rs.5,00,000/- for the injury suffered by him in the accident due to underground electricity cable burnt.

2. According to the petitioner, he is a professional body builder and he won so many awards. On 14.09.2017, at about 09.30 p.m., while he was parking his two wheeler near Pycrofts Road, Triplicane, the underground electric cable wire burst with flames, thereby, he has suffered burn injury. Immediately, he was taken to Government Kasturba Gandhi Hospital, Triplicane, Chennai. Thereafter, he has lodged a complaint before D4-Zam Bazaar Police Station, and by that accident, the petitioner has missed the body building competition held in the Engineering College, Chennai, undergone mental agony, loss of income, apart from that, he is unable to spend medical expenses for the further treatments. Alleging that, the accident was taken place due to the negligence of the respondents Board, he is claiming compensation of Rs.5,00,000/-. In the said circumstances, the present Writ Petition has been filed.

3. The respondents have filed counter affidavit, denying the allegation that the accident was not taken place due to the negligence of respondents Electricity Board. It is further stated that, in order to avoid further problem, entire medical expenses was taken care off by the respondents Board on humanitarian consideration and the petitioner was also recovered from the minor injuries.

4. Heard and considered rival submissions made by learned counsel appearing for both sides and perused the records carefully.

5. On perusal of records, it could be seen that, the petitioner has suffered burn injuries in his hand due to underground electric cable wire burst with flames, he was admitted in Appollo hospital and consequently cured from the



burn injuries. Admittedly, entire medical expenses has been paid by the respondents Board. Now, the question is whether the petitioner is entitled for any compensation as claimed by him or not. Even though the respondents Board has disputed the accident, considering the fact that, the petitioner has suffered from burn injuries, he was treated in Appollo Hospital and entire medical expenses was also paid by the respondents Electricity Board, now it is not open to them to content that the accident was not taken place due to the negligence of the respondents Board. However, it is an admitted fact that, the petitioner has suffered minor injury in the hand, he was also recovered fully and he is not entitled for any compensation as claimed by him. In the said circumstances, considering the pain, suffering and mental agony undergone by the petitioner, and he was also admitted in the hospital for quite number of days, and also taking into consideration of the hospitalisation of petitioner, this Court is inclined to award a sum of Rs.50,000/- towards compensation and the 5th respondent Board is directed to pay the compensation to the petitioner within a period of six weeks from the date of receipt of copy of this order. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Secretary to Government,
State of Tamil Nadu,
Energy Department, Secretariat,
St. George Fort, Chennai-9.
- 2.The Chairman,
The Tamil Nadu Electricity Board,
N.P.K.R.R. Maaligai,
Electricity Avenue, No.44,
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- 3.The Superintending Engineer,
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+2ccs to M/s.N.S.Sivakumar, Advocate Sr.No.16702

+1cc to Mr.L.Jaivenkatesh, Advocate Sr.No.16811

+1cc to the Government Pleader Sr.No.17015

W.P.No.9813 of 2018

KJ(CO)
RVM(17/05/2022)