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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.9574 OF 2012

1.D.Swetha

2.D.Antony Preethaa

(P1, P2 cause title amended vide order

dated 18.02.2022 made in WMP No.

3358/2022 in WP No.9574/2012 by MGRJ

(Natural guardian discharged from the WP

since the petitioners attained majority vide

order dated 18.02.2022 made in WMP No.

3355/2012 in WP No.9574/2012 by MGRJ) ... Petitioners

Vs.

1.Tamil Nadu Generation and Distribution

Corporation Ltd., (TANGEDCO Ltd.,)

Rep. by Executive Engineer

G.N.T. Road, Gummidipoondi,

Tiruvallur District.

(R1 cause title amended vide order dated

18.02.2022 made in WMP No.3358/2022

in WP No.9574/2012 by MGRJ)

2.The Commissioner

Panchayat Board

Mettu Street, Gummidipoondi,

Thiruvallur District.

3.T.Balasundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent to pay a sum of Rs.10,00,000/- as compensation for the injury sustained, loss, mental agony and suffering undergone by the petitioners due to electrocution on 15.10.2006.



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For Petitioners :Mr.S.Anbazhagan
No appearance

For Respondent-1:Mr.L.Jai Venkatesh
Standing Counsel

For Respondent-3:Mr.R.Krishnaswamy
For Respondent 2:No appearance

O R D E R

The petitioners while they were minors playing at the house premises of the third respondent on the fateful day viz., 15.10.2016 at 03.30 pm, wherein a HT line was lying low and the petitioners came in contact with the HT line and suffered electric shock and were admitted to Ramachandra Hospital, Porur and were given treatment in ICU. Immediately, an FIR was filed on 25.10.2006 in Crime No.183 of 2006. In the untoward incident, the petitioners have suffered serious injuries and their parents have suffered mental agony. For the serious injuries suffered by them and the mental agony suffered by their parents, the petitioners have sought for compensation of Rs.3,00,000/- to their parents and Rs.4,00,000/- towards the medical expenses incurred for the treatment.

2. The first respondent has denied the liability and would contend that it is for the owner of the third respondent to remove the HT line by adopting proper procedures and because of his negligence, the accident had occurred.

3. I am unable to accept the arguments advanced by the learned counsel for the first respondent.

4. Admittedly, the HT line was running at a height of 18 mts and it was running over the third respondent's building. Naturally, the children who were playing in the terrace, came in contact with the electric line. The respondents should have kept it at an unreachable height. The negligence in allowing the electric lines within the reach of the children, can be attributed to the first respondent.

5. The learned counsel for the first respondent would produce the Board's Proceedings in (Per.) (FB) TANGEDCO Proceedings No.6, dated 16.10.2019, wherein for non-fatal accident, the compensation is fixed as Rs.2,00,000/-. Accordingly, the petitioners are entitled to Rs.2,00,000/- each



for the non-fatal injuries suffered by them.

6. Accordingly, the first respondent is directed to disburse a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) each to the petitioners, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The writ petition is ordered accordingly. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

TK

To

1.The Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO Ltd.,)
G.N.T. Road, Gummidipoondi,
Tiruvallur District.

2.The Commissioner
Panchayat Board
Mettu Street, Gummidipoondi,
Thiruvallur District.

+1 cc to M/s.V.Ajoy Khose Advocate sr17290
+1 cc to M/s.L.JaiVenkatesh Standing Counsel for
TANGEDCO SR.16813
+1 cc to Government Pleader sr17437

WP NO.9574 OF 2012

ssn(co)
aa07/06/2022