



W.P.No.9709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2022

CORAM

THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.9709 of 2022

Kavitha

.. Petitioner

Vs.

1.The Chairman

Tamilnadu Generation and Distribution Corporation
(TANGEDCO)
No.144, Anna Salai
Chennai.

2.The Executive Engineer

Tamilnadu Electricity Board
Kunnam
Perambalur District
Perambalur.

3.The Superintending Engineer

Tamilnadu Electricity Board
Kunnam
Perambalur District
Perambalur.

4.The Assistant Engineer

Tamilnadu Electricity Board
Kunnam
Perambalur District
Perambalur.

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to grant adequate compensation for the death of petitioner's only son Kaviyarasan aged about 11 years by considering petitioner's representation dated 17.12.2021 and representation dated 18.02.2022.

For Petitioner : Mr.S.Shankar
For Respondents : Mr.L.Jaivenkatesh for TNEB [R1-R4]

ORDER

This writ petition has been filed for a Mandamus seeking compensation for the death of petitioner's son Kaviyarasan, who died on account of electrocution on 30.10.2021.

2. According to the petitioner, only due to the negligence of the respondents, her son died due to electrocution. It is the contention of the petitioner that the erection of iron pipes is in violation of rules and neglecting the safety of the general public, has caused the death of her only son. The petitioner has given representations to the respondents seeking compensation. Since the representations were not considered, the petitioner has filed this writ petition.



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3. Heard Mr.S.Shankar, learned counsel for the petitioner and

Mr.L.Jaivenkatesh, learned counsel for TNEB for the respondents.

4. The learned Standing Counsel for the respondents has placed before this Court the proceedings of the respondents dated 16.10.2019, under which the compensation payable to the victim of electrocution, both fatal and non-fatal has been fixed. He would submit that as per the aforementioned proceedings, the maximum compensation that can be paid for a fatal victim is Rs.5,00,000/-. The learned Standing Counsel would further submit that even though the petitioner's son is stated to have died on account of electrocution, the amount claimed by the petitioner in her representation is excessive and cannot be awarded.

5. Since the admitted amount payable by the respondents to the petitioner as compensation for the death of her son due to electrocution is only Rs.5,00,000/-, the petitioner cannot seek any further directions from this Court for enhanced compensation, in view of the fact that the same is disputed by the respondents. If at all the petitioner seeks any additional compensation, she has to approach only the civil Court as there are disputed questions of fact and law involved.



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6. For the foregoing reasons, the writ petition is disposed of, directing the first respondent to pay the compensation amount of Rs.5,00,000/- to the petitioner on account of electrocution death of her only son Kaviarasan on 30.10.2021, within a period of four weeks from the date of receipt of a copy of this order, subject to the condition that the petitioner produces all relevant documents / records as required by the first respondent. It is also open to the petitioner to approach the civil Court for seeking enhancement of compensation in the manner known to her under law, if she feels aggrieved by the compensation awarded by the respondents. No costs.

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Speaking Order/Non-speaking Order

Index : Yes / No

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ABDUL QUDDHOSE.J.,

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