



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.04.2022

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.23832 of 2014

Sivaranjani

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board (TNEB),
Anna Salai, Chennai.
- 2.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation / TNEB,
Ariyalur, Ariyalur District.
- 3.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation / TNEB,
Senthurai, Ariyalur District.
- 4.The Assistant Engineer,
Tamil Nadu Generation and Distribution
Corporation / TNEB,
Thungapuram, Kunnam Taluk,
Perambalur District.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 2 to 4 to pay compensation and damages of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner for their act of negligence which resulted in the loss of the petitioner's husband life.

For Petitioner : Mr.E.P.Senniyagiri

For Respondents : Mr.M.Abul Kalam
Standing Counsel

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 to 4 to pay compensation / damages of Rs.5,00,000/- to the petitioner for the negligence of the respondents.



2. The petitioner would claim that she is the wife of the deceased Arulmoli. According to her, she married the deceased in the year 2008 and out of the wedlock, they are blessed with two children. The deceased was working as agricultural coolie. It is alleged that on 25.05.2014 at 2.00 p.m., the petitioner's husband went to his agricultural land for collecting grass to feed the cattle, but he did not come back. After search, they found that he directly contacted the electricity wire and died due to electrocution. In this regard, a criminal case was registered in Crime No.74 of 2014 to the Inspector of Police, Kunnam Police Station. For the negligence of the respondents, the petitioner is entitled for compensation.

3. The respondents have filed a counter disputing the allegations made by the petitioner. According to the learned Standing Counsel for the respondents, the negligence alleged against the respondents has not been established by the petitioner.

4. Heard the rival submissions and perused the materials available on record.

5. It is seen that a criminal case in Crime No.74 of 2014 was registered on the basis of the complaint given by the brother of the deceased viz., Anandan. In the F.I.R., it has been clearly narrated that the deceased had contact directly with live wire and died. Postmortem certificate enclosed in the typed set of papers shows that the deceased had suffered external injury, which are mentioned hereunder:-

"Charring wound right thigh to ankle 30 x cm in size
Charring wound left cheek
Charring wound left shoulder to wrist 15 x 3 cm
Charring wound left leg first toe 1 x 1 cm
right hand thumb 1 x 1 cm"

6. In the postmortem certificate, the Civil Assistant Surgeon of the Government Hospital, Perambalur has pointed out that the cause of death was due to electric shock. Therefore, the contention of the learned Standing Counsel appearing for the respondents that the petitioner has not proved the negligence, cannot be countenanced. In similar circumstances in WP.No.22135 of 2013, dated 16.11.2021, this Court has directed the Electricity Board to pay Rs.5,00,000/- as compensation for the death due to electrocution and the relevant paragraphs are extracted hereunder:-

"4. When the accident of electrocution is admitted, no further enquiry is required or evidences needs to be considered. Thus, this Court is of an opinion that the petitioner is entitled for



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compensation as admissible under the scheme published by the Tamil Nadu Electricity Board in Board proceedings. In the event of death on electrocution as per the scheme, the victim is entitled for compensation of Rs.5,00,000/~. Thus, the petitioner is entitled for the said amount even as per the Board proceedings.

5.The respondent has stated that the petitioner has filed one more petition before the State Human Rights Commission, Tamil Nadu. The petitioner undertook that she cannot seek any other relief against the Tamil Nadu Electricity Board before the State Human Rights Commission and in view of the fact she has to receive compensation in the present writ petition.

6.Accordingly, the respondent is directed to pay a sum of Rs.5,00,000/~ along with interest at the rate of 7.5% from the date of death till the date of realisation. The respondent is directed to settle the compensation along with interest within a period of three months from the date of receipt of a copy of this order.

7.Accordingly, the writ petition stands allowed. No costs."

7. In the light of the above, I am of the opinion that the petitioner is entitled to succeed in this Writ Petition. Accordingly, the Writ Petition is allowed. The respondents shall pay Rs.5,00,000/- to the petitioner along with interest at the rate of 7.5% per annum from the date of accident till the date of realization, within a period of three months from the date of receipt of a copy of this order. There is no order as to costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

r n s
To

1.The Chairman,
Tamil Nadu Electricity Board (TNEB),
Anna Salai, Chennai.



2.The Executive Engineer,
Tamil Nadu Generation and Distribution
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Ariyalur, Ariyalur District.

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Thungapuram, Kunnam Taluk,
Perambalur District.

+1 cc to Mr.E.P.Senniyangiri, Advocate Sr.NO. 24995
W.P.No.23832 of 2014

SSM(CO)
A.SK(16/05/2022)