



Writ Petition No.1191 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17/10/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Writ Petition No.1191 of 2017

a n d

W.M.P.No.1131 of 2017

J.Mohammed Jinose

...

Petitioner

Vs

1. The Secretary to Government
Energy Department
Fort St. George, Secretariat
Chennai.
2. The Chairman-cum-Managing Director
Tamil Nadu Electricity Board
10th Floor, NPKRR Maaligai
144 Anna Salai
Chennai 2.
3. The Superintending Engineer
Electricity Distribution Circle Nagercoil
Tamil Nadu Electricity Board
Kanyakumari District. ...

Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying
for the issuance of a writ of mandamus directing the respondents to pay

Page No:1/6



Writ Petition No.1191 of 2017

compensation of Rs.25,00,000/- to the petitioner for the grave injuries sustained by him due to the gross negligence act of the respondents in maintaining the electric pole which resulted in falling on his head.

For petitioner	...	Mr.AR.Balaji for Mr.G.Dinesh Kumar
For respondents	...	Mr.P.Sathish Additional Government Pleader for R.1. Mr.Abul Kalam for R.R.2 and 3

ORDER

This writ petition has been filed to direct the respondents to pay compensation of Rs.25,00,000/- to the petitioner for the grave injuries sustained by him due to the gross negligence act of the respondents in maintaining the electric pole which resulted in falling on his head.

2. The case of the petitioner is that on 8/8/2013, at about 11 a.m., coconut tree got uprooted and fell on the low tension line of the Tamil Nadu Electricity Board. Since the petitioner was standing nearby, he got injured. Hence prays for compensation.

Page No:2/6



3. On an earlier occasion, the learned Standing Counsel appearing for the respondents submitted that there is no negligence on the part of the respondents in maintaining the L.T lines and poles. This unfortunate incident had happened due to the act of God. Hence, the respondents are not liable to pay compensation.

4. The learned Standing Counsel further submitted that as per the Board's Resolution, maximum compensation payable by them is Rs.1,00,000/- Rupees One lakh only). Hence, vide, order, dated 21/9/2022, this Court had directed the respondents to draw a Demand Draft in favour of the petitioner for a sum of Rs.1,00,000/- and produce the same before this Court, on 17/10/2022.

5. Accordingly, the matter is listed today.

6. Heard Mr.AR.Balaji, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader for the first respondent and Mr.Abul Kalam, learned counsel for the respondents 2 and 3.



Writ Petition No.1191 of 2017

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7. Pursuant to the above direction, learned Standing Counsel appearing for the respondents produced a cheque, bearing No.065081, dated 13/10/2022, drawn on M/s. Canara Bank, in favour of the petitioner, for a sum of Rs.1,00,000/- (Rupees One lakh only) and the same was handed over to the learned counsel appearing for the petitioner.

8. In view of the above, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

17/10/2022

Index : Yes / No
Internet: Yes
Speaking/non speaking order

mvs.



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To

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Writ Petition No.1191 of 2017



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Writ Petition No.1191 of 2017

N. SATHISH KUMAR, J

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W.P.No.1191 of 2017

17/10/2022