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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA
AND
THE HONOURABLE MR. JUSTICE K. KUMARESH BABU

W.A.No.2237 of 2018
and
C.M.P.No.17821 of 2018

1. The Corporation of Chennai
Represented by its Superintending Engineer - Electrical,
Electrical Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
 2. The Corporation of Chennai,
Represented by its Divisional Electrical Engineer-North,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
- ... Appellants

Vs.

1. Kumari
 2. The State of Tamil Nadu
Represented by the Secretary of Government,
Energy Department,
Secretariat,
St.George Fort,
Chennai - 600 009.
 3. The Tamil Nadu Electricity Board,
Represented by its Chairman,
N.P.K.R.R. Maaligai,
Electricity Avenue,
44, Anna Salai,
Chennai - 600 002.
 4. Office of Assistant Engineer,
Kodungaiyur Electricity Department,
Kodungaiyur,
Chennai - 600 118.
- ... Respondents



Writ Appeal filed under Clause 15 of Letters Patent against the order dated 04.12.2017 made in W.P.No.18983 of 2013.

Prayer in W.P.No.18983 of 2013.

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Writ Petition filed under Article 226 of the Constitution of India, praying for Hon'ble Court issue a Writ of Mandamus to directing the respondent to grant appropriate compensation to the petitioner as this Hon'ble Court may deem fit and proper considering the facts and circumstances of the case.

For Appellants : Mrs.Kaarthika Ashok
Standing Counsel

For R1 : Mr.V.S.Senthil Kumar

For R2 : Mr.V.Manoharan
Additional Government Pleader

For R3 & R4 : Mr.L.Jaivenkatesh
for TNEB

J U D G M E N T

(Judgment was delivered by T. RAJA, J.)

The Corporation of Chennai, represented by its Superintending Engineer (Electrical), Electricity Department, Rippon Building, Chennai, has brought this appeal, challenging the correctness of the impugned order, dated 04.12.2017, made in W.P.No.18983 of 2013, awarding compensation of Rs.10,38,000/- to the 1st respondent, on the ground that the death of the husband of the 1st respondent, caused by electrocution, had occurred only due to the negligence/carelessness on the part of the officials of the appellant Corporation, in removing the live wire, as a result of which, the deceased, coming in contact with the live wire, died due to electrocution.

2.Mrs.Kaarthika Ashok, learned Standing Counsel appearing for the appellants, after arguing the matter, submitted that, although the appeal was filed by her predecessor, assailing each and every finding of the learned Single Judge impugned herein, so far as the quantum of compensation is concerned, she pleaded that atleast the rate of interest could be modified as 7.5% p.a. instead of 12% p.a. and also submitted that, generally, in matters like this, wherever death occurs due to electrocution to any passer-by, the Government have a consistent stand to award a sum of Rs.5,00,000/-, but in the present case, the learned Single Judge has awarded Rs.10,38,000/-. Therefore, if the rate of interest, as prayed earlier, is modified, no prejudice would be caused to the 1st respondent.



3. We are unable to find any justification in the submissions of the learned Standing Counsel for the following reasons. The deceased was found to be the sole bread-winner of his family and he used to go to the nearby shop everyday in the morning to buy milk. On 10.01.2013, at about 05.30 a.m., the deceased went to the nearby shop to buy milk. Without knowing that the electricity cable was cut and lying on the road unattended, he stamped the electricity cable and due to the high voltage current passing into him, he fell on the ground and died. As a result, the family of the deceased had lost their only breadwinner. On the basis of the registration of FIR in Crime No.67 of 2013 and the Post-Mortem report issued by the Government Stanley Hospital, in which also, the reason for death has been shown as electrocution, finally, the learned Single Judge has come to the conclusion that the live wire was left unattended by the staff/officers belonging to the Corporation, as a result, an innocent passer-by lost his life and consequently, the family of the deceased had suffered loss of sole breadwinner and thereby, allowed the writ petition and awarded compensation of Rs.10,38,000/-. We do not find any error in the approach of the learned Single Judge in allowing the writ petition.

4. Coming to the request made by Mrs. Kaarthika Ashok, learned Standing Counsel, to modify the interest portion, as the amount of Rs.10,38,000/- has been quantified as total compensation payable and till date, the appellant has not paid the amount, we do not find any merit in her submission.

5. Therefore, the writ appeal fails and stands dismissed. Consequently, connected miscellaneous petition is closed.

6. The appellants are granted four months' time to pay the entire compensation amount of Rs.10,38,000/-, as directed by the learned Single Judge, to the 1st respondent. If the amount is not paid within the period of four months from the date of the order, the appellants will be liable to pay Rs.25,000/- as costs to the 1st respondent.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintending Engineer - Electrical,
Corporation of Chennai
Electrical Department,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
2. The Divisional Electrical Engineer-North,
Corporation of Chennai,
Corporation of Chennai,
Rippon Building,
Chennai - 600 003.
3. The Secretary to Government,
State of Tamil Nadu
Energy Department,
Secretariat,
St.George Fort,
Chennai - 600 009.
4. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R. Maaligai,
Electricity Avenue,
44, Anna Salai,
Chennai - 600 002.
5. The Assistant Engineer,
Kodungaiyur Electricity Department,
Kodungaiyur,
Chennai - 600 118.

+1cc to Mrs.Kaarthika Ashok, Advocate, S.R.No.34628
+1cc to Mr.V.S.Senthil Kumar, Advocate, S.R.No.34704
+1cc to the Government Pleader, S.R.No.35089

W.A.No.2237 of 2018

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CT/23/06/2022