



W.P.(MD).No.14131 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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ORDER RESERVED ON : 09.06.2022

ORDER PRONOUNDED ON : 22 .07.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.14131 of 2011

V.Chellam

...Petitioner

Vs

1.The Chairman and Managing Director
Tamil Nadu Generation and
Electricity Distribution Co.,
800, Anna Salai, Chennai 600 002.

2.The Chief Engineer
Tamil Nadu Generation and
Electricity Distribution Co.,
K.Pudur, Madurai Range
Madurai.

3.The Assistant Engineer
(Maintenance)
Tamil Nadu Generation and
Electricity Distribution Co.,
Anna Nagar
Madurai – 20

4.The Commissioner
Madurai Corporation
Madurai



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5.The Assistant Engineer
(Street light maintenance)
Office at Madurai Corporation Building
Tallakulam, Madurai.

....Respondents

(Respondents 4 & 5 are impleaded
vide Court order dated 01.12.2016)

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.10,00,000/- as compensation to the petitioner for their negligence of maintaining the electrical wire that caused death of her husband.

For Petitioner	: Mr.G.S.Senthil Kumar
For R1	: No appearance
For R2 & R3	: Mr.S.Deenadhayalan Standing Counsel
For R4 & R5	: Mr.R.Murali

ORDER

The writ petition has been filed seeking compensation for a sum of Rs.10,00,000/- for the death of the husband of the writ petitioner due to electrocution.

2.According to the petitioner, her husband was working as a Record

Clerk in the Co-operative Society from the year 1986 onwards and he was



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drawing a salary of Rs.5,000/- per month. While he was riding a Motor Bike at 08.30 a.m on 19.09.2010 on the road, an electrical pole fell on the petitioner's husband's vehicle and the petitioner's husband sustained head injury. Due to the said impact, he was taken to Government Hospital where he was given first aid treatment and later, he was admitted to a private hospital. However, due to multiple grievous injuries, the petitioner's husband passed away on 29.09.2010. According to the petitioner, the respondent Electricity Board has not properly maintained the electrical poles and electrical wires. Only because of the said negligence, the electrical pole has fallen down on the vehicle moving in the road.

3.The petitioner had further contended that she had spent Rs.2,00,000/- for medical expenses for treating her husband in a private hospital. Hence, she prayed for compensation of a sum of Rs.10,00,000/- from the respondents Electricity Board.

4.The respondents Electricity Board had filed a counter affidavit contending that the electrical pole is meant for erection of street lights which is under the control and maintenance of the Madurai Corporation. Hence, only the Madurai Corporation is responsible for the incident. The learned counsel had further contended that the admission slip of the writ petitioner's



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husband in the Madurai Rajaji Hospital will reveal that he was admitted only due to head injury. The Accident Register also discloses that the vehicle got hit on a electrical pole while the petitioner's husband was going in a bike. This fact will clearly reveal that the petitioner while riding the bike, hit the pole and the accident had happened. Hence, he prayed that the Electricity Board is not responsible for the accident and not liable to pay the compensation.

5.The Madurai Corporation has filed a counter contending that the poles have been erected only by the Electricity Board. The maintenance of the electrical pole vests with the Electricity Board. In fact, the Corporation pays license fee for erection of street lights on the said poles to the Electricity Board. Hence, the maintenance of the wires as well as poles vested only with the Electricity Board. Therefore, he contended that the Electricity Board alone responsible for the accident which had happened due to non maintenance of the electrical wires and poles.

6.I have given anxious consideration to the submissions made on either side and perused the materials on record.

7.The petitioner's husband while he was riding in a bike on 19.09.2010 at about 08.30 a.m had met with an accident in the middle of the road due to



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falling of an electrical pole over the running vehicle. The learned counsel for the Electricity Board has contended that the petitioner's husband has hit the vehicle over the electrical pole and only because of the said fact, the electrical pole had fallen down on the petitioner's husband. However in the counter, there was no such pleading that the vehicle has hit the electrical pole and due to the impact, the electrical pole has fallen down. That apart, in the counter filed by the Electricity Board in Paragraph No.4, it has been specifically mentioned that the accident has happened because of the falling of “RCC EB Pole”. Hence, it is clear that the pole as well as the wires connecting the said post have to be maintained only by the Electricity Board and not by the Corporation.

8.The petitioner's husband while he was driving the vehicle on the road, the electrical pole has fallen on the vehicle and he had sustained injuries and thereby succumbed to the said injury.

9.The narration of the above said accident will reveal that the pole has not been properly maintained and the pole had fallen down on its own. It is not the contention of the Electricity Board that due to heavy rain, the pole had fallen down. Even on a normal day, the pole had fallen down on its own over a running vehicle and caused serious head injury to the petitioner's husband.



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Hence, it is clear that the accident has happened only due to the negligence on the part of the respondents 1 to 3 in the writ petition. Hence, the respondents 1 to 3 are liable to pay compensation for the said accident.

10.The petitioner's husband was working as a Record Clerk in the Co-operative Society and he was drawing a salary of Rs.5,000/- per month. At the time of his death, he was survived by his wife, two sons and two daughters.

11.The Co-operative Society in which the writ petitioner's husband was working has given a pay certificate for the month of September 2002. Hence, the monthly salary at the time of death of the petitioner's husband in the year 2010 can very well be taken as Rs.10,000/- per month.

12.Based on the above said facts, this Court arrives at the value of the compensation as follows:

Monthly Income	Rs.	10,000/-
+		
Future Prospects	Rs.	1,000/-
Total	Rs.	11,000/-
¼ Deduction	Rs.	2,750/-
(-)		
Total	Rs.	8,250/-

Monthly income calculated as Rs.8,250/-



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Rs.8,250/- X 12X9	Rs. 8,91,000/-
Loss of consortium of petitioner	Rs. 50,000/-
Loss of consortium of other legal heirship (Rs.25,000/- X4)	Rs. 1,00,000/-
Funeral Expenses	Rs. 15,000/-
Loss of Estate	Rs. 15,000/-
Total	Rs. 10,71,000/-

13.In view of the above said discussion, the respondents 1 to 3 herein are directed to pay a sum of Rs.10,71,000/- as compensation with 6 % interest per annum from 11.10.2010 till the date of actual payment. The writ petition stands allowed. No costs.

22.07.2022

Internet : Yes/No
Index : Yes/No
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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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