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W.P.(MD).No.6771 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 16.08.2022

ORDER PRONOUNCED ON : 24 .08.2022

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.6771 of 2013
and MP(MD).No.1 of 2013**

1.Manimuthu Pattan

2.Krishnaveni

....Petitioner

(The second petitioner impleaded
vide Court order dated 16.08.2022)

Vs

1.The Principal Secretary
Electricity Department
State of Tamil Nadu
Secretariat, Fort.St.George
Chennai

2.The Chair Person
Tamil Nadu Electricity Board
Annasalai, Chennai

3.The Superintending Engineer
Tirunelveli District

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direct the respondents to pay at least Rs.20/- lakhs compensation each for the death of the petitioner's father namely Essaki Konnar and the petitioner's younger brother namely Essaki Muthu died due to



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electric shock accident on 23.10.2012 at Kalakadu, Tirunelveli District due to the negligent on the part of the Respondents, consequently to direct the respondents to pay compensation to the petitioner for the injuries and mental shock sustained by electric shock due to the negligent on the part of the respondents.

For Petitioners	: Mr.R.Alagumani
For R1	: Mr.N.Muthuvijayan Special Government Pleader
For R2 & R3	: Mr.S.Deenadhayalan Standing Counsel

ORDER

The present writ petition has been filed seeking compensation for the death of the first petitioner's father and brother who died electrocution on 23.10.2012.

2. The first petitioner's mother has also been impleaded as a second petitioner.

3. The first petitioner had contended that on 23.10.2012, when he went to agriculture field, he touched the fencing line and he got electrocuted. When he cried for help, his father and younger brother rushed to rescue him and pulled him from the fencing. Though he was saved without injuries, his father



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and younger brother sustained heavy electric shock and died.

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4. According to the first petitioner, a live electricity wire had got snapped and it had fallen on the fencing line. Due to the negligence on the part of authorities and due to non maintenance of the line, a live electric wire had got snapped. The said live wire had fallen on the fencing line and when the petitioner unknowingly touched the fencing line, he got electrocuted and his father and younger brother had died in an attempt to save him. Hence, he prayed for compensation from the respondent authorities.

5. The respondent authorities had filed a counter. In paragraph No.3 of the counter, the respondent authorities have categorically admitted the manner in which the accident had happened. However, the respondent authorities have contended that the first petitioner was not depending upon his deceased younger brother and he is not at all entitled to any compensation for the death of his younger brother. The authorities have further contended that since the first petitioner's father was earning from cattle and agriculture, the compensation prayed in the writ petition is too high. In Paragraph No.5 of the counter, the authorities have contended that the electric lines are maintained every month properly but live wire had cut down due to natural calamities of heavy rain and thunder. Since the petitioner has already received



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a sum of Rs.3,00,000/- as ex-gratia from the Natural Calamity Fund and the the Chief Minister's General Relief Fund, they are not entitled to any further compensation. Hence, he prayed for dismissal of the writ petition.

6.I have considered the submissions made on either side and perused the typed set of papers.

7. The first petitioner while on his way to agricultural field had suffered electric shock on 23.10.2012. The younger brother and father of the first petitioner had made an attempt to save the petitioner. The first petitioner got saved, but unfortunately his father and younger brother had died due to electrocution. These facts are not in dispute.

8.The first petitioner had contended that the live wire had got snapped and it had fallen upon the fencing. When the petitioner had unknowingly touched the said fencing, he got an electric shock. The fact that the live wire got snapped and it was touching upon the fencing line is not disputed in the counter. In other words, the respondent authorities have categorically admitted that the live wire had got snapped and it was touching upon the fencing line. Hence, it is clear that the electrocution had happened only due to the improper maintenance and negligence on the part of the respondent



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authorities. Whenever a live wire got snapped, the respondent board had an arrangement for short circuit and fuse off. However, such an arrangement was not put in place in the present case and the electricity had continued to flow and the first petitioner's father and younger brother had got electrocuted. Hence, the respondents are liable to pay compensation.

9. The accident had taken place on 23.10.2012. The legal heir certificate issued to the petitioners indicates that the first petitioner's father was aged about 47 years on the date of accident. As an agriculturist, he would have earned a sum of Rs.7,000/- per month. Hence, the monthly income can be notionally taken as Rs.7,000/- per month.

10. The notional income is Rs.7,000/-. After deducting 1/4th towards his personal expenses, the monthly income would be at Rs.5,250/- per month. The correct multiplier is 13.

(i). Total Loss of dependency (18,000X12X13)	= Rs.8,19,000/-
(ii). Loss of Consortium	= Rs. 40,000/-
(iii). Loss of Love and Affection	= Rs. 20,000/-
(iv). Transport Charges	= Rs. 5,000/-
(v). Funeral Expenses	= Rs. 15,000/-

Total	= Rs. 8,99,000/-



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11.As far as the petitioner's younger brother and the second petitioner's son is concerned, he was aged 18 years on the date of accident. He was studying 1st year Engineering course in DMI Engineering College at Aaralvaimozhi. The first petitioner has produced the bonafide certificate of his deceased brother from the said Engineering College to establish the fact that his brother namely Esakki Muthu was studying first year in the above said Engineering College. The compensation shall be calculated as follows:

12.Being an Engineer College student, the notional income can be calculated at the rate of Rs.10,000/- per month. Adding 40% future prospects, it comes to Rs.14,000/- per month. After deducting 50% towards his personal expenses, the monthly income would be Rs.7,000/- per month. Since the deceased was 18 years at the time of accident, the correct multiplier is 18.

(i). Total Loss of Income	
(7,000X12X18)	= Rs.15,12,000/-
(ii). Loss of Parental Consortium	= Rs. 40,000/-
(iii). Funeral Expenses	= Rs. 15,000/-

Total	= Rs. 15,67,000/-



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13.The above said compensation shall be paid with 6% interest per annum from 23.10.2012 till the date of realisation. The consolidated compensation amount (excluding interest) comes to Rs.24,66,000/-. The second petitioner having lost her husband and younger son, shall be entitled to Rs.18,00,000/- along with accrued interest. The first petitioner having lost his younger brother, shall be entitled to Rs.6,66,000/- along with interest. The respondent authorities shall disburse the above said amount within a period of three months from the date of receipt of a copy of this order.

14.The writ petition stands allowed to the above said extent. No costs. Consequently, connected miscellaneous petition is closed.

24 .08.2022

Internet : Yes/No
Index : Yes/No
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To

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Electricity Department
State of Tamil Nadu
Secretariat, Fort.St.George
Chennai
- 2.The Chair Person
Tamil Nadu Electricity Board
Annasalai, Chennai
- 3.The Superintending Engineer
Tirunelveli District



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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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and MP(MD).No.1 of 2013

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