



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)Nos.9618, 9627 and 9628 of 2020

and

W.M.P.(MD).Nos.8662, 8666 and 8668 of 2020

A.Rani ... Petitioner in W.P.No.9618/2020

Pushpavalli ... Petitioner in W.P.No.9627/2020

Dhanalakshmi ... Petitioner in W.P.No.9628/2020

vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai 600 002.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Sivagangai District.

3.The Executive Engineer,
O/o.The Executive Engineer Office,

1/11



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

WEB COPY

Sivagangai Electricity Distribution,
Sivagangai.

4.The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District,
(Crime No.546 of 2019)

5.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Chennai.

6.The District Collector,
Sivagangai District.

R5 and R6 are *suo motu* impleaded
vide Court order dated 25.09.2020 in
W.P.(MD).Nos.9618, 9627 and 9628 of
2020.

... Respondents

PRAYER in W.P.(MD).No.9618 of 2020: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay a sum of Rs. 50,00,000/- (Fifty Lakhs only) by way of compensation for electrocution to the petitioner's bedridden husband viz., Arun Kumar, aged 22 years, within a stipulated time that may be fixed by this Court.

PRAYER in W.P.(MD).No.9627 of 2020: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

Mandamus, directing the respondents 1 to 3 to pay a sum of Rs. 50,00,000/- (Fifty Lakhs only) by way of compensation for electrocution to the petitioner's bedridden son viz., Vinoth, aged 23 years, within a stipulated time that may be fixed by this Court.

PRAYER in W.P.(MD).No.9628 of 2020: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay a sum of Rs. 50,00,000/- (Fifty Lakhs only) by way of compensation for electrocution to the petitioner's bedridden son viz., Mareeswaran, aged 24 years, within a stipulated time that may be fixed by this Court.

For Petitioner

in all W.Ps. : Mr.G.Prabhu Rajadurai
for Mr.S.Vanchinathan

For R1 to R3 : Mr.S.Deenadhayalan
Standing counsel

For R4 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

For R5 & R6 : Mr.A.Kannan
Additional Government Pleader



WEB COPY



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

COMMON ORDER

These Writ Petitions have been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay a sum of Rs.50,00,000 /- (Fifty Lakhs only) by way of compensation for electrocution to Arun Kumar, Vinoth and Mareeswaran. The said Arun Kumar is the husband of the petitioner in W.P.(MD).No.9618 of 2020, Vinoth is the son of the petitioner in W.P.(MD).No.9627 of 2020 and Mareeswaran is the son of the petitioner in W.P.(MD).No.9628 of 2020.

2. The case of the petitioners is that the school viz., Karpura Sundarapandian Higher Secondary School and its ground situated just opposite to their houses. The said school ground has no compound wall. Daily evening and school holidays, the petitioners' area children and youths were used to play in the said school ground. In the said ground, a lengthy high intention electric wires and poles were placed for the past so many years at very low height. The School authorities and the petitioners' residents had approached the TNEB officials for the past 15 years to



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

WEB COPY

remove the said unused electricity wires. But no action was taken on the part of the officials of the TNEB. While so, on 06.10.2019, Arun Kumar, Vinoth, and Mareeswaran were played cricket in the said ground. At that time, heavy rain with thunder storm has spotted and they were rushed to their houses. While crossing the ground, they were electrocuted by the high intention electric wires. The high intention electric wire was snapped and thrown away them. The entire occurrence took place at the school ground, due to high intention electric wires places on the school ground.

3. It is the further case of the petitioners that the fourth respondent has received a complaint and a case was registered under Section 5 of the Accident Fall Non Act in Crime No.546 of 2019, dated 11.10.2019. The incident was happened solely on account of the negligence of the officials of TNEB. The Electricity Board was bound to maintain the live wire and other electrical system used for the purpose of transmission of electricity. On 09.12.2019, the petitioners have sent a representation to the respondents 1 to 3, requesting them to pay a just and fair



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

compensation. But the same was not considered. The above said Arun Kumar, Vinoth, and Mareeswaran were severely wounded due to electrocution. Therefore, the respondents/TNEB are solely liable to pay the compensation amount. Hence, the petitioners have filed the present writ petitions.

4. The Executive Engineer, Office of the Executive Engineer, Sivagangai Electricity Distribution, Sivagangai, the third respondent herein has filed a counter stating that the petitioners must strictly prove the negligence of the respondents. The accident had occurred at Karpura Sundarapandian Higher Secondary School at Sivagangai and the electricity line through the complex was in usage before the period of 18.02.1982 as 66KV line. Then, this electric line was upgraded as 110KV line on 18.02.1982 and this electric line was not in use from 18.02.1982. The accident was occurred only on the negligence of the petitioners alone. This accident occurred on 06.10.2019 at about 5.30 p.m. Due to heavy rain and heavy lightening and thunder, the electric network was changed and this occurrence happened. This accident did not occur due



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

to current passing through the electric line. This occurrence had happened on the negligence of the petitioners and due to natural calamities. Further, there is no allegation in the F.I.R., regarding the current circulation in the line at the time of accident. The electric poles in the accident place are in good condition and there was no low lying electric line in the place of occurrence. The petitioners have not produced any salary certificate before this Court and there is no negligence on the part of the Electricity Board and the negligence act ought to be proved with evidence. Therefore, filing of suit alone is the proper remedy and not the petition under Article 226 of the Constitution of India and he prayed for dismissal of these writ petitions.

5. The learned Standing counsel appearing for the respondents 1 to 3 would submit that the Electricity Board is ready to pay a sum of Rs. 1,00,000/- to the petitioners as compensation.

6. Heard the learned counsel for the petitioners, learned Standing counsel appearing for the respondents 1 to 3, learned Government



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

WEB COPY

Advocate (Crl.side) appearing for the fourth respondent and the learned Additional Government Pleader appearing for the respondents 5 and 6.

7. Considering the above facts, this Court is not inclined to accept the counter filed by the third respondent and all the children were using the said playground and as such, the petitioners were also using the same for playing cricket. When there is a rain and whatever may be the reason for electricity passing through the said line, the respondent Electricity Board alone is responsible for the accident that has been taken place as the electric wire was not removed by the said authorities. Hence, this Court is inclined to allow these writ petitions. Accordingly, these writ petitions are allowed. Regarding the quantum of compensation, payment of Rs.1,00,000/- will not be sufficient. Hence, this Court directs the petitioners to produce all the relevant medical certificates to the respondents 1 to 3, to prove their disability, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents 1 to 3 are directed to consider their disability and pain and suffering, as per the MCOP Cases and pass appropriate orders, on



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

merits and in accordance with law, within a period of eight weeks thereafter. No costs. Consequently, the connected Miscellaneous Petitions are closed.

22.11.2022

Index: Yes/No
Internet: Yes/No

akv

To

1. The Chairman cum Managing Director,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
144, Anna Salai,
Chennai 600 002.
2. The Superintending Engineer,
Tamil Nadu Generation and Distribution,
Corporation Limited (TANGEDCO),
Sivagangai District.
3. The Executive Engineer,
O/o. The Executive Engineer Office,
Sivagangai Electricity Distribution,
Sivagangai.
4. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District,
(Crime No.546 of 2019)

9/11



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

5. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Chennai.

6. The District Collector,
Sivagangai District.



WEB COPY



W.P.(MD).Nos.9618, 9627 & 9628 of 2020

V.BHAVANI SUBBAROYAN,J.

akv

W.P.(MD)Nos.9618, 9627 and 9628 of 2020

22.11.2022