



W.P(MD)No.6594 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6594 of 2019

1. A.Seenivasan

2. Vijayarani

... Petitioners

Vs.

1.The Secretary to Government,
Public Works Department,
Fort.St.George, Chennai-4.

2.The District Collector,
Virudhunagar District.

3.The Revenue Divisional Officer,
Arupukottai,
Virudhunagar District.

4.The Public Health Officer,
Virudhunagar District.

5.The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

6.The Tahsildar,,
Virudhunagar Taluk & District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the Respondents to



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pay a sum of Rs.10,00,000/- as compensation for the death of the Petitioners' son S.Nanda Kumar on 04.11.2017 due to electrocution within the stipulated period which this Court.

For Petitioners : Mr.M.Jothibasu

For Respondents : Mr.M.Lingudurai,
Spl. Government Pleader.

ORDER

Heard the learned counsel for the writ petitioners and the learned Special Government Pleader for the respondents.

2.The writ petitioners are husband and wife. The first petitioner is visually impaired. The second petitioner is daily wages worker. They were blessed with a son and daughter. The petitioner's child S.Nanda Kumar was studying seventh standard in the local Government School. On 04.11.2017, the school was closed. The petitioners' child along with other children were playing in the Primary Health Centre. It appears that the petitioners' son had meddled with the switch box that was installed in the building. He died as result of electrocution. The petitioners seek payment of compensation.



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3.I can fasten liability on the respondents only if it can be shown that the officials were at fault. As rightly pointed out by the learned Special Government Pleader, the materials on record clearly indicate that the occurrence took place only on account of the act of the child. It was a holiday. The Government officials had gone for training. I am not in a position to hold the respondents' responsible.

3.Be that as it may, the death took place under unnatural circumstances. Crime No.351 of 2017 was registered on the file of Amathur Police Station under Section 174 of Cr.P.C. The District Collector has also recommended payment of sum of Rs.1,00,000/- as ex gratia from Hon'ble Chief Minister's relief fund. The second respondent is directed to disburse the said amount of Rs.1,00,000/- to the writ petitioners within a period of twelve weeks from the date of receipt of a copy of this order.

4.The writ petition is partly allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

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