



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Reserved on : 16.08.2022**

**Pronounced on : 29.08.2022**

**CORAM**

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

**WP(MD)No.16395 of 2021**

Savari Anto Nishanth

... Petitioner

**v.**

1.The Chairman,  
TANGEDCO, Chennai.

2.The Superintending Engineer,  
TANGEDCO, Anna Building,  
Maharaja Nagar,  
Tirunelveli – 627 011.

3.The Executive Engineer, (Distribution),  
TANGEDCO, Panchayat Union Office Road,  
Valliyor and Post, Tirunelveli District.

4.The Junior Engineer,  
TANGEDCO, Perungudi Road,  
Vadakkankulam, Tirunelveli District.

... Respondents



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**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 pay compensation of Rs.25,00,000/- (Twenty Five Lakhs) to the petitioner's son, namely, Savari Anto Nishanth, for the permanent disability caused due to the negligence of the respondents on the basis of the petitioner's representation dated 27.10.2020.

For Petitioner : Mr.C.Sankar Prakash

For Respondents : Mr.Dheenadhayalan, standing counsel

### **ORDER**

Heard the learned counsel on either side.

2.The petitioner is a minor represented by his mother. On 11.11.2018 at around 04.30 P.M, he suffered severe burn injuries on his body due to electrocution. The petitioner's case is that he was standing in front of his house within the compound wall when the transformer maintained by TANGEDCO exploded resulting in the said injuries. Crime No.545 of 2018 was registered on the next day on the file of the Panagudi Police Station.

3.In the counter affidavit, the stand taken is that every transformer



installed by TANGEDCO is periodically maintained. The petitioner's version has been denied. The respondents claim that disputed questions of fact are involved and that they must be proved through evidence. According to them, there was no negligence on their part. The respondents question the maintainability of the writ petition.

4.The photographs of the injured petitioner when he was admitted in the hospital have been enclosed. Except his face, his entire body has suffered burn injuries. The doctors have certified that the petitioner is suffering from 50% functional disability. The petitioner's counsel stated that the petitioner had suffered injury even on his private parts. His educational career has been seriously affected. He is not able to move with his peer group. It is not hardly necessary to add that his marital prospects have also been affected.

5.I have no reason to disbelieve the impact of the occurrence on the petitioner's life. The only question that calls for consideration is whether the respondents can be fastened with liability. And if so, what can be the quantum of compensation payable to the petitioner.

6.The maintainability of the writ petition can no longer be questioned.



In A.Kumaravel v. TNEB (2019 SCC Online Mad 30067) and in T.Muthu v. TNEB

(2022 SCC Online Mad 140), it was held that in writ proceedings, compensation can be awarded for electrocution. Of course, negligence must be evident on the face of it [TNEB v. Sumathi (2000) 4 SCC 543]. The occurrence had taken place when the petitioner was inside his house compound. The transformer was located outside the compound. A criminal case was registered immediately. The specific stand of the victim is that on account of the sudden explosion of the transformer, he suffered injuries. If the petitioner was at fault, certainly, during investigation, it would have been brought out. The respondents have not placed before me any such final report filed by the police. In the absence of such a report, I have to go by the petitioner's version. It is not as if nothing happened and the petitioner is falsely projecting a version. In paragraph 9 of the counter affidavit, it has been mentioned that the snapping of the conductor was due to natural wear and tear. This averment in the counter affidavit is significant. There is nothing on record to show that the petitioner invited the occurrence. In these circumstances, I have no hesitation to apply the principle of absolute liability on the respondents.

7. Having come to the conclusion that the petitioner is entitled to compensation, I have to quantify the same. The petitioner was a minor



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when the occurrence took place. Therefore, I cannot go by the income criteria. Since he has suffered disfiguration on the entire body except the face, one can very well imagine his trauma. He must have undergone exceptional pain and suffering. In fact, they must be continuing even as on date. His education has suffered. His employment prospects have been affected. He will definitely find difficult to get a bride. Taking note of all these aspects, I hold that he is entitled to a sum of Rs.10.00 lakhs. The respondents are directed to deposit the said amount in a Fixed Deposit in a nationalized bank in the name of petitioner within a period of eight weeks from the date of receipt of copy of this order. The petitioner is entitled to draw the accrued interest once in three months. The petitioner cannot withdraw the principal amount for the next ten years.

8.The petitioner obviously will have to take periodical treatment. TANGEDCO does have its own network hospitals. The petitioner can avail treatment which he may require in any of the network hospitals of TANGEDCO and the cost of treatment as well as medicines will have to borne only by TANGEDCO for the next fifteen years.

9.The writ petition is allowed on these terms. No costs.

**29.08.2022**

skm



To

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**G.R.SWAMINATHAN, J.**

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