



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9587 of 2018

A. Mahadevi

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd,
No.144, Anna Salai,
Chennai.
2. The Zonal Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd,
Tirunelveli.
3. The Superintendent Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd,
Thoothukudi.
4. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd,
Thoothukudi.
5. Dr.R. Komathi, M.B.B.S.,
Prop: Aarthi Hospital,
Santhaipettai Street,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as compensation for the death of the



petitioner's husband, namely, Ayyadurai due to the accident on 22.01.2011.

For Petitioner : Mr.V. Sasikumar

For R-1 to R-4 : Mr.S. Deenadhayan

For R-5 : Mr.C. Arul Vadivel @ Sekar

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband Thiru.Ayyadurai died due to electrocution on 22.01.2011. It appears that he was unauthorisedly engaged by a wire man of TANGEDCO and while carrying out the repairs in the electric pole near the fifth respondent hospital, he suffered electrocution and died. In this regard, Crime No.73 of 2011 was registered on the file of Kovilpatti West police station. One Azhagarsamy who engaged the petitioner's husband was shown as an accused. However, C.C.No.250 of 2015 on the file of the Judicial Magistrate No.I, Kovilpatti ended in acquittal.



3. Even though the occurrence had taken place way back in the year 2011, this writ petition itself came to be filed only in 2018. Of course, a copy of the representation dated 24.01.2012 has been enclosed in the typed set of papers.

4. It is not known as to how the fifth respondent hospital can be fastened with liability. There are several disputed facts involved. Admittedly, the petitioner's husband was not an employee of TANGEDCO. It is not known as to how he climbed the electric pole in question and attempted to carry out the repair works. Azhagarsamy who is said to have engaged the petitioner's husband was also acquitted by the criminal Court. The petitioner would come out with a theory that because the fifth respondent hospital personnel switched on the generator, the occurrence took place. But no convincing material has been placed before me to sustain the said hypothesis. Since disputed facts are involved, the petitioner has to necessarily go before the jurisdictional civil Court. Since the petitioner had given a representation in the year 2012 and since the criminal Court is seized of the matter and from the year 2018 this writ petition is pending, if the petitioner files any civil suit within two months from the date



of receipt of a copy of this order, the same will not be rejected on the ground of limitation. All the contentions of the petitioner are left open.

5. This writ petition stands dismissed with the aforesaid liberty. No costs.

29.06.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

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G.R.SWAMINATHAN,J.

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