



W.P.(MD).No.22352 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 03.11.2022

ORDER PRONOUNCED ON : 14.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.22352 of 2015

Lalitha

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Annasalai, Chennai-2.

2.The Superintending Engineer,
Tamil Nadu Electricity Board,
Mannarpuram, Trichy-20.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Madurai Road, Manapparai,
Trichy District.

4.The Tahsildar,
Marunkapuri Taluk,
Trichy District.

..... Respondents

PRAYER: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.10,00,000/- (Rupees Ten Lakhs) to the petitioner as per the petitioner's



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representation dated 12.12.2014, since the petitioner's husband died due to the negligence and lethargic attitude of the respondents.

For Petitioners	: Mr.K.C.Ramalingam
For R1-R3	: Mr.S.Dheena Dhayalan Standing Counsel
For R4	: Mr.M.Lingadurai Special Government Pleader

ORDER

The present writ petition has been filed seeking a writ of Mandamus to pay compensation for the death of the petitioner's husband due to electrocution.

2. According to the petitioner, her husband was working as a gardener in a garden belonging to Sri. Karuppiah Konar and they were living in the said garden. An electrical line was running in front of the house. It was under repair. Though several representations were made, the repairs were not carried out by the Electricity Board. On 26.08.2014, when the petitioner's husband was walking around the coconut grove, the electrical line fell on the head of the petitioner's husband and he got electrocuted and died on the spot.



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3. According to the learned counsel for the petitioner this has happened only due to the improper maintenance of the electrical lines by the authorities. Hence, he prayed for a compensation of Rs.10,00,000/- (Rupees Ten Lakhs only).

4. The respondents herein have filed a counter. In Paragraph No.4 of the said counter, it had been admitted that the deceased had stepped on a low tension electrical line and he got electrocuted and died. In Paragraph No.5 of the counter, it is admitted that due to heavy wind and rain, two live low tension lines might have touched with one another and got snapped and had fallen to the ground. Though the authorities have properly maintained the electrical lines, this accident had happened only due to heavy rains. Hence, there was no negligence on the part of the respondent authorities. The learned standing counsel for the respondent board had further contended that when the manner of accident is being disputed, the petitioner should be directed to approach the competent Civil Court. Hence, he prayed for dismissal of the writ petition.

5. I have carefully considered the submissions made on either side.



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6. There is no dispute that the petitioner's husband had died due to electrocution. It is also not in dispute that the live wire had snapped and fallen to the ground. The husband of the petitioner had touched upon the said live wire and had got electrocuted. Hence, there is no dispute as to the manner of accident. The only defence that is raised by the respondent board is that due to heavy rain, two live wires had got touched with each other and got snapped and fallen to the ground. Hence, there is no negligence on the part of the respondent board in maintaining the wires and it has happened only due to heavy rains.

7. It is seen from the averments made in the counter affidavit that snapping of the live electrical wire and falling of the said wire on the ground has not been disputed. As soon as the live wire got snapped, automatically the electricity should have got disconnected. However, no such arrangements have been made. It is not the case of the respondent board that due to some human intervention, snapping of the wire had taken place. Hence, it is clear that the respondent board had not properly maintained the electrical wire and they got snapped and fallen to the ground, which has led to the electrocution of the husband of the writ petitioner. Since these facts are not in dispute, the petitioner cannot be directed to approach the Civil Court.



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8. The age of the deceased on the date of his death was twenty five (25) years and he had died leaving behind his wife, a daughter, a son and his father. The petitioner's husband was admittedly working as a gardener in a coconut grove and he had passed away on 26.08.2014. Hence, notional monthly income could be taken as Rs.6,500/-. After deducting 1/4th of the said amount, the monthly notional income would be Rs.4,875/-. The correct multiplier for the said age is 17. Hence, the total compensation is calculated as follows:

Loss of income $4,875 \times 12 \times 17 = 9,94,500$

Loss of consortium = 50,000

Funeral expenses = 15,000

Total Compensation = 10,59,500/-

9. The respondents 1 to 3 herein are directed to pay the above said compensation with 6% interest from 01.09.2014 till the date of realisation. The said amount shall be disbursed to the writ petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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10. With the above said observations, this Writ Petition stands allowed to the extent as stated above. No costs.

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Internet : Yes/No

Index : Yes/No

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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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