



W.P(MD)No.21254 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.21254 of 2021

1.C.Prabhanithi
2.C.Sivaganam

...Petitioners

Vs

1.The District Collector,
Madurai,
Madurai District-20.

2.The President,
Tamilnadu Electricity Board,
No.144, Anna Salai,
Chennai-2.

3.The Superintending Engineer,
Tamilnadu Electricity Production and Distribution,
K.Pudur,
Madurai District.

4.The Assistant Engineer,
Tamilnadu Electricity Board,
Keelaiyoor,
Melur,
Madurai District.

5.Foreman,
Tamilnadu Electricity Board,
Keelaiyoor Sub Station,



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Melur Taluk,
Madurai.

..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.30,00,000/- to each petitioner based on the first petitioner's father's representation, dated 24.08.2021 and 30.08.2021.

For Petitioners :Mr.J.Gunaseelanmuthiah
For R1 :Mr.A.Kannan
Additional Government Pleader
For R2 to R5 :Mr.S.Deenadhayalan
Standing Counsel

ORDER

This Writ Petition has been preferred to direct the respondents to pay compensation of Rs.30,00,000/- to each petitioner based on the first petitioner's father's representation, dated 24.08.2021 and 30.08.2021.

2. The learned counsel appearing for the petitioner would submit that the second petitioner is the cosine of the first petitioner and he is residing near the petitioner's house. The petitioner has studied the Diploma Computer Engineering 1) NET Programming, 2) Software Engineering Tamil Nadu Polytechnic and subsequently, has completed BE Computer Science in the year



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of 2014. They are residing Melur Taluk, Saruguvalayapatti Village, Subramaniyapuram. He is working in private company and earning Rs.35,000/- per month. The second petitioner was studied in Diploma Computer Engineering. He is also working in private company and earning Rs.30,000/- per month. On 14.08.2021, the second petitioner affected by electric shock and the first petitioner was trying to safeguards him, but unfortunately, he was also affected by the electric shock. Both were affected and their entire bodies burned. Due to the accident occurred on 14.08.2021, they are not able to do their work. The petitioners neighbor namely, Seethalakshmi, who is residing very near to their house, was doing construction work. Very closes of the Seethalakshmi house, High Power Electricity Station is there. It is very difficult for her to continue her construction work. For that reason, she has informed to Electricity Department. The fifth respondent and his staffs snatched the High Power Station and planting center of pathway. They are not properly installing the High Power Station. For that reason, the power supply leakage from the earth Rod. Tehe petitioner's father gave complaint to the fourth respondent on 12.07.2021 to remove the electric power station put up middle of pathway. But, the fourth respondent has not give any response on his father's complaint dated 12.07.2021. If the fourth respondent give response to his father's complaint, the accident would not be happened. On the date of



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occurrence, the petitioners are doing cleaning work in front and side of his house. Due to leakage and lethargic planting earth rod, they have burned electric shock by earth rod. Most of the body burned by electric shock. Immediately through ambulance both are taking treatment at Dr.Ganeshan, Selvi Ram Hospital at 294, Alagar Kovil Road Melur. Till dated, they are taking treatment. Total disability 80% calculated. They enclosed several photos and disability certificate in the typed set of papers.

3. He would further submit that the petitioner's father gave a complaint to the Inspector of Police, Keelavalavu Police Station, dated 15.08.2021 and the first petitioner gave a complaint to the Superintendent of Police on 19.08.2021. Subsequently, the police officials are enquired and registered the FIR in Crime No.244/2021, dated 19.08.2021. Thereafter, the petitioners father gave representation, dated 24.08.2021 and 30.08.2021 to the respondents to pay compensation. The first respondent forwarded the letter to the third respondent on 07.09.2021. But, till date there is no response.

4. He would further submit that both the petitioners are spent each more than Rs.5,00,000/- for medical expenses. But they are not properly recovered from that accident. Due to the said accident, they are not do their regular



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works. Hence, the petitioner has filed the present writ petition seeking compensation of Rs.30,00,000/-.

5. The learned counsel appearing for the petitioner also referred the judgment of the Hon'ble Division Bench of this Court reported in **2020-1 CTC 522** in the case of the ***Commissioner Corporation Chennai-Vs-The Secretary, Department of Municipal Administration and Water Supply and another.***

6. The third respondent filed counter affidavit and stated that one Seethalakshmi, who is residing near petitioners house, was doing a construction work. The Chandran, who is the father of the first petitioner, had a pathway dispute with the above said Seethalakshmi. The electric stay set was already erected without any disturbance to the public and pathways. As on 14.08.2021 both the petitioners voluntarily without informing and without the knowledge of the respondents, unauthorisdlly and without any safety measures tried to pull the stay set which was attached to the electric police, suddenly the petitioners got electrocution. He would further states that no such respondent dated 12.07.2021 was received in person or postal. The accident is not on the part of the negligent act of the respondents. It was happened by the deliberate act of the petitioners due to pathway dispute with one Seethalakshmi. The petitioners



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are tried to pull the stay set by shake it, while they shake the stay set, it touch the electric line and got electrocuted. By suppressing all the facts, the first petitioner's father lodged a complaint only on 19.08.2021 for the incident happened on 14.08.2021 stating that due to the leakage from the earth rod the petitioners got electrocuted. On 07.09.2021 the third respondent along with officials inspect the spot and found that the petitioners without any safety measures and without informing the respondents deliberately and unauthorisldly pulled and removed the stay set from the earth rod, the petitioners got electrocuted. On 04.10.2021, based on the inspection report of the respondents had lodged a complaint before the police under Section 136 of Electricity Act, 2003. Hence, he prayed for dismissal of the writ petition.

7. Heard Mr.J.Gunaseelanmuthiah, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the first respondent and Mr.S.Deenadhayalan, learned Standing Counsel appearing for the respondents 2 to 5.

8. No prudent person will even try to snape a live earth wire and the



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statement made by the respondent is unacceptable. When there is an earth wire to embedded in a pathway where there is also a dispute to evidence to show that he has plugged the wire and got electrocuted. When a person is electrocuted whether they will give a complaint or take him to hospital for treatment. To fix the compensation, the petitioner has to invoke the necessary provisions of law and work out his remedy before the appropriate forum. However, the third respondent is directed to submit the petitioner to the Medical Board, Rajaji Hospital, Madurai for fixing the percentage of disability and thereafter, compensation may be paid invoking the provisions of Workmen Compensation Act.

9. With the above observation, the writ petition stands disposed of. No costs.

30.11.2022

Index : Yes/No
Internet: Yes/No
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