



W.P(MD)No.20520 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.08.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20520 of 2016

and

W.M.P(MD)No.14692 of 2016

N.Rajendran

... Petitioner

Vs.

1.The Chairman,
TANGEDCO Ltd.,
144, Anna Salai,
Chennai-600 002.

2.The Superintendent Engineer,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Parvathipuram, Nagercoil,
Kanyakumari District.

3.The Assistant Executive Engineer(Distribution),
Tamil Nadu Electricity Board,
Kulasekharam, Cheruppalloor Post,
Kanyakumari District.

4.The Junior Engineer(Distribution),
Tamil Nadu Electricity Board,
Veeyanoor, Veeyranoor Post,
Kanyakumari 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



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respondents to pay a compensation and damages of Rs. 10,00,000/- (Rupees Ten Lakh only), with 9% of accrued interest per annum, to the petitioner, for causing death to the petitioners deceased son R.Arjun, aged about 13 years, due to the negligent act of the respondents.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.S.Deena Dhayalan
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondent board to pay compensation for the death of the petitioner's son due to electrocution.

2. According to the petitioner, the petitioner's son, aged about 13 years old, while he was walking on his way to take bath near a small stream, he had come in contact with the live electric wire, which was lying on the pathway and he got electrocuted and passed away. According to the learned counsel for the petitioner, the live electric wire got disconnected and it was hanging up to the ground level and this has happened only due to the negligence on the part of the respondent board. Hence, they liable to pay a compensation.



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3. Per contra, the learned standing counsel for the respondent board has filed a counter and had contended that though the boy had died due to electrocution, the live wire was only hanging in the air and it has not touched the ground. Had it touched the ground, the supply could have got automatically disconnected. The boy has wantonly touched the live wire hanging in the air and he has got electrocuted. The learned standing counsel also referred to the post mortem report, which discloses that the boy has got burnt injuries only in his forearm and not in his legs. Hence, he prayed that the accident has happened only due to the playful activities of the boy and there is no negligence on the part of the board to make is liable to pay compensation.

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

5. There is no dispute that the petitioner's son, aged about 13 years had died due to the electrocution on 14.06.2015. According to the petitioner, the live wire was touching the ground and the boy got in touch with the live electric wire and got electrocuted. But the case of the respondent is that the live wire had not touched the ground, but it was only hanging in the air. In paragraph no.4 of the counter affidavit, the



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respondent board has contended that due to heavy rain and wind, a single phase three wire line had fallen from the pole due to the failure of LT shackle metal parts and hanging over the phase line. This would clearly indicate that the shackle metal parts have not been properly maintained, due to which the live wire got disconnected and it had started hanging in the air. Hence, it is clear that there is negligence on the part of the respondent board.

6. According to the learned counsel for the petitioner, the boy is around 13 years old and he had passed away in the year 2015. The respondent board as per their own board proceedings, have fixed compensation of Rs.5,00,000/- (Rupees Five Lakhs only) for fatal accidents that had occurred due to electrocution. The learned counsel for the petitioner has referred to a judgment of this Court in ***W.P(MD)No. 37159 of 2015***, dated 28.01.2022 (***S.Saraswathi Vs. The Chairman, TANGEDCO and others***), wherein this Court has awarded the said compensation of Rs.5,00,000/-(Rupees Five Lakhs only) for the electrocution of a 11 year old boy, who died in the year 2014. I am inclined to follow the said judgment.



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7. In view of the above said judgment, the respondent board is directed to pay a sum of Rs.5,00,000/-(Rupees Five Lakhs only) to the writ petitioner as a compensation and interest at the rate of 6% interest from 15.06.2015 till the date of payment. The payment shall be effected within a period of twelve(12) weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

02.08.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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Order made in
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Dated:
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