



W.P.(MD).No.21115 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 27.07.2022

ORDER PRONOUNCED ON : 03.08.2022

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD).No.21115 of 2016

Lakshmi

...Petitioner

Vs

1.The Chairman
Tamil Nadu Generation of Electricity
And Distribution Corporation Limited
144, Annasalai
Chennai -02

2.The Superintending Engineer
Tamil Nadu Generation of Electricity
And Distribution Corporation Limited
Superintending Engineer Office
Trichy Distribution Circle
Trichy

3.The Executive Engineer
Tamil Nadu Generation of Electricity
And Distribution Corporation Limited
Assistant Power Station
Kaikatti Mettupatti
Marungapuri Taluk
Trichy District

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to
issue a Certiorarified Mandamus, calling for the records relating to the



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impugned order dated 18.10.2016 in proceedings Letter No.Mea/Po/The.me. Pa. Va/ Mea/ Trichy / Po. Tha. Aa. Vu. Sa. Po /Pothu/ Co.Accident/A.No.665/16 of the second respondent and quash the same and consequently direct the second respondent to pay compensation for the death of petitioner's husband Palanisamy who died on 11.06.2016 at Minikiyur Village, Marungapuri Taluk, Trichy District, due to electrocution.

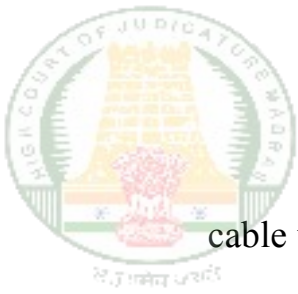
For Petitioner : Mr.AN.Ramanathan

For Respondents :Mr.S.Deenadhayan
Standing Counsel

ORDER

The writ petition has been filed challenging an order passed by the second respondent herein under which the request of the petitioner for payment of compensation for the death of her husband due to electrocution has been rejected.

2.According to the petitioner, her husband Palanisamy who was an agriculturist on 11.06.2016 while going to the field to irrigate the land, the cable T.V.wire which was connected in the electric post above the electrical line got disconnected due to heavy wind and fell over the electric line. The cable wire after falling over the electric line was hanging in the air and the electricity was passing in the electric line had passed through the cable wire also. Though the petitioner husband was cautious while walking, the hanging



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cable wire fell on the head of the petitioner's husband and he got electrocuted and died on the spot. According to the petitioner, her husband was admitted in the Government Hospital at Trichy and the postmortem report reveals that he died due to electrocution.

3.The petitioner's husband was earning a sum of Rs.15,000/- per month and he was the only sole bread winner of the family. According to the petitioner, the deceased Palanisamy has left behind her and two other sons. Due to negligence of the respondent department, the accident has taken place and hence, they are liable to pay compensation for the death of her husband. They made a request on 03.08.2016. However, the said request was rejected under the impugned order dated 18.10.2016 on the ground that there was no disconnection of the electricity wire and hence, the department is not responsible for the same. The said order under is challenge in the present writ petition.

4.According to the learned counsel for the petitioner, the cable wires were unauthorisedly tied to the electric pole of the electricity department. Due to heavy wind, the said cable T.V wire had fallen on the electric wire and this has caused electrocution to the writ petitioner's husband. Since the respondents department have not initiated any action, in the said unforeseen



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tagging of cable T.V. wire on the electricity pole, this accident has happened.

Hence, he prayed for allowing the writ petition for granting of compensation.

5.The respondents have filed a counter contending that the petitioner's husband has not died either due to the fact that the live wire is hanging or lying on the road. On the other hand, the overhead line of the respondent board was intact. The cable T.V.wire which was tagged to the electric pole had got disconnected and it had fallen on the live electric wire and thereafter, the petitioner's husband has got electrocuted while he kicked the said cable wire. Hence, according to the respondents, when the manner of accident is being disputed, the petitioner has to approach only the Civil Court. Hence, he prayed for dismissal of the writ petition.

6. I have considered the submissions made on either side and perused the materials on record.

7.It is not in dispute that the petitioner's husband had died due to electrocution on 11.06.2016 while on his way to his field to irrigate the crops. The petitioner has contended that the cable wire which was connected to electric pole had fallen on the live wire and thereafter, it fell on field so that the petitioner's husband got electrocuted. However, the respondents have



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contended that the live wire was intact and only cable TV wire has got disconnected and hence, they are not responsible for the accident.

8. Admittedly, the cable TV wire has been tied up in the electric post belonging to the respondents. The said tying up of cable TV wire is an unauthorised act. The respondent authorities have not initiated any action for removing the said cable T.V wire from the electric post. If the respondent authorities have removed the said unauthorised TV wire, the accident would not have happened. The cable TV wire which got disconnected had fallen upon the live electric wire and thereafter, touched the ground due to which the petitioner's husband got electrocuted and died. Hence, the contention of the respondents that they are not responsible for the accident is not legally sustainable and they are liable to pay the compensation.

9. The petitioner's husband was aged about 48 year as per the death certificate on 11.06.2016. He was an agriculturist and there is no concrete proof for his monthly income. He died leaving behind his wife and two sons. Our High Court in a judgement reported ***in 2020 SCC Online Mad 26416 (Kannaki Vs.S.Sukumar and another) in C.M.A.No.3253 of 2019***, dated 15.10.2020 has arrived at a finding that the income of an agriculturist could be notionally calculated at the rate of Rs.8,000/- per month for an accident that has taken place in the year 2016.



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10. Based upon the said judgment, this Court has calculated the quantum of compensation as follows:

(i). The notional income is Rs.8000/-. After deducting $1/3^{\text{rd}}$, $(8,000 \times 1/3)$, it comes to Rs.5334/-. The correct multiplier for the age of 48 is 13.

(i). Total Loss of dependency (Rs.5334 X12X13)	= Rs.8,32,104/-
(ii). Loss of Consortium	= Rs. 40,000/-
(iii). Loss of Estate	= Rs. 15,000/-
(iv). Transport Charges	= Rs. 5,000/-
(v). Funeral Expenses	= Rs. 15,000/-

Total	= Rs. 9,07,104/-

11. The respondents are directed to pay a sum of Rs.9,07,104/- as compensation to the petitioner with interest at 6% per annum from 12.06.2016 till the date of realisation. The said payment shall be made within a period of 12 weeks from the date of receipt of a copy of this order.

12. The writ petition stands allowed to the above extent. No costs.

03.08.2022

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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