



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.1902 of 2017

Suyambu Thangam

... Petitioner

Vs.

1.The Secretary to the Government,
Tamil Nadu Electricity Board,
Secretariat,
St.George Fort, Chennai.

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

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Kanyakumari Electricity Distribution Circle,
Parvathipuram,
Nagercoil, Kanyakumari District.

4.The Junior Engineer (Distribution),
Tamil Nadu Electricity Board,
Kanyakumari,
Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay compensation and damages of Rs.50,00,000/- (Rupees Fifty Lakhs only), with 9% of accrued interest per annum, to the petitioner for causing death to the petitioner's deceased husband Swamyvelu, aged about 47 years due to the negligent act of the respondents.

For Petitioner	: Mr.L.George Paul Anto
For R1	: Mr.K.Balasubramani Special Government Pleader
For R2 to R4	: Mr.S.Deenadhayalan Standing Counsel

O R D E R

Heard the learned counsel appearing for the petitioner, learned Government Advocate appearing for R1 and the learned standing counsel appearing for the respondents 2 to 4.

2.The petitioner's husband died due to electrocution on 25.09.2016. Seeking compensation for the same, this Writ Petition has been filed.



3. The respondents have filed a detailed counter affidavit controverting the petitioner's averments.

4. The specific stand of the respondents is that the petitioner's husband had meddled with stay wire in the petition mentioned EB pole and that is how, the occurrence had taken place.

5. From a reading of the materials on record, I am not in a position to come to a definite conclusion that the respondents were at fault. Only if the officials of TANGEDCO are guilty of negligence, they can be fastened with liability to pay compensation. In this case, disputed facts are involved and it is not possible to adjudicate the same in writ proceedings.

6. I therefore relegate the petitioner to move the jurisdictional civil court. Since the petitioner has filed the writ petition soon after the occurrence, if any civil suit is filed within a period of three months from the date of receipt of a copy of this order, the petitioner shall not be non-suited on the ground of limitation. The respondents also undertake before this Court that they will not plead limitation as a bar.

7. With this direction and aforesaid liberty to the petitioner to file a civil suit, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To
The Secretary to the Government,
Tamil Nadu Electricity Board,
Secretariat,
St.George Fort, Chennai.

+1 CC to M/s.S. DEENADHAYALAN, Advocate (SR-27495[F]
dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27424[F] dated 22/06/2022)

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TP (CO)

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