



W.P.(MD)No.1921 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1921 of 2017

Lakshmi

... Petitioner

Vs.

- 1.The Secretary to the Government of Tamil Nadu,
Tamil Development, Religious Endowments,
Exhibition and Information Department,
Secretariat,
Chennai 600 009.
- 2.The District Collector,
Collectorate Premises,
Thanthonimalai PO,
Karur.
- 3.The Public Relations Officer,
Information and Public Relations Department,
Office of the District Collector,
Karur.
- 4.The District Revenue Officer,
Collectorate Premises, Thanthonimalai PO,
Karur.
- 5.The District Fire Officer,
Fire and Rescue Department,
Jawahar Bazaar,
Karur.



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6.The Superintendent Engineer,
TANGEDCO,
Coimbatore Road,
Karur.

7.The Commissioner,
Karur Municipality,
Karur District.

8.The Superintendent of Police,
District Police Office,
Thanthonimalai PO,
Karur.

9.The Inspector of Police,
Karur Town Police Station,
Azad Road,
Karur.

10.M.A.Jakkariya

11.P.Murugesan.

12.The Superintendent of Police,
Dindigul.

(12th respondent is *suo motu* impleaded by this Court
on 22.06.2022)

... 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 a sum of Rs.45 lakhs with interest @ 12% p.a. by way of compensation for the death of the petitioner's husband Loganathan for the electrocution took place on 11.05.2012 to the petitioner at once.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 to R5, R8,
R9 & R12 : Mr.M.Prakash
Additional Government Pleader



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For R6 : Mr.S.Deenadhayalan
Standing Counsel

For R7 : Mr.K.Balasubramani

For R11 : Mr.S.Palanivelayuthan

For R10 : no appearance

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5, 8, 9 & 12 and the learned counsel appearing for the Municipal Corporation and the learned standing counsel appearing for TANGEDCO.

2. Though the 10th respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

3. The case of the petitioner is that her husband was employed as a Peon in the Canara Bank. On 11.05.2012, at about 7.30 pm., the entire family visited the exhibition conducted by the 10th respondent at Rajalinga Mandran, Karur. The husband of the petitioner came in contact



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with an iron pole installed on the ground. He suffered electrocution and died the next day. In this regard, Crime No.370 of 2012 was registered on the file of the Karur Police Station for the offence under Section 304(A) of IPC. The organizer of the exhibition namely the 10th respondent and the electrician/R11 were arrested and later, they were enlarged on bail.

4. The contention of the petitioner is that since the exhibition was conducted on the Corporation ground, the Corporation was obliged to oversee the safety aspects. In this case, they have not done so. If the municipal officials (now Corporation) had checked the safety standards adopted by the electrician, then, the incident would not have occurred. The petitioner's husband was earning Rs.17,000/- at the time of incident. He left behind the petitioner and two minor children as well as his parents as his surviving legal heirs. According to the petitioner, the Government as well as the local body are bound to compensate the petitioner. Since the representation sent by her was not favorably considered, the writ petition came to be filed.



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5. A detailed counter-affidavit has been filed both by TANGEDCO as well as by the District Collector. The District Collector has filed a detailed counter affidavit controverting the writ petitioner's allegations. According to them, the 10th respondent organized the event and the 11th respondent carried out the electrification works. If there was any negligence in the way they had carried out their works, only they can be fastened with liability and neither the Government nor the local body nor TANGEDCO can be made to suffer any consequence.

6. I carefully considered the rival contentions and went through the materials on record.

7. It is obvious that the occurrence in question took place due to improper electrical works done at the exhibition organized by the 10th respondent. The petitioner along with her husband and children had entered the exhibition ground. A number of poles had been erected and by sheer chance, the petitioner's husband came in contact with one of them. If contact with the pole erected on the ground can cause death by electrocution, it is obvious that the electrification works were negligently carried out. The maxim 'the thing speaks for itself' would clearly apply in this case.



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8. The only question that arises for consideration is whether blame has to be fastened only on the 10th respondent or whether the statutory authorities can be directed to pay compensation to the petitioner. It is true that exhibition was organized on the ground belonging to the local body. But that by itself cannot lead to fastening of liability on the local body. The local body has only let out the ground in question for rent. The local body cannot be expected to micromanage the situation. Therefore, for the unfortunate occurrence, neither the Government nor TANGEDCO nor the local body can be put to any blame. It is the 10th respondent who as the organiser of the event must be saddled with the liability for the fault or negligence committed by the 11th respondent.

9. I therefore hold that 11th respondent has to compensate the petitioner for the death of her husband due to electrocution. The next question that arises for consideration is the quantum of compensation. During the relevant time, the petitioner's husband was working as Peon. He was earning Rs.17,000/- per month. Since he was having two aged parents, as well as two minor children and wife to support, it can be safely inferred that he would spend only 1/5th of his monthly income



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towards his personal expenses. Applying the formula applicable to determination of compensation in fatal cases occurring due to motor accidents, the quantum of compensation payable to the petitioner is determined as under:-

1.Age of the Deceased	: 39
2.Multiplier	: 15
3.Income	: Rs.17,035/-
4.50% Addition	: Nil
5.After 1/5 th Deduction	: Rs.13,628/-
Rs.13,628/- * 12 * 15	= Rs.25,53,040/-

10. The 10th respondent is directed to pay the aforesaid sum to the petitioner herein within a period of 8 weeks from the date of receipt of a copy of this order. The said amount would carry interest at the rate of 6% per annum from the date of writ petition till date of payment. Out of the compensation paid by the 10th respondent, the petitioner will be entitled to 80% thereof for herself and the minor children and the parents of the deceased would be entitled to the remaining 20%.



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11. The Writ Petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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