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W.P.No.22026 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.22026 of 2018

Minor Puviyarasu,
rep. by its father and natural Guardian
Mr.Sekar

... Petitioner

Vs.

- 1.The Chairman & Managing Director,
Tamil Nadu Generation and Distribution Corporation Ltd.,
144, Anna Salai,
Chennai – 600 002.
- 2.The Chief Engineer, Distribution, South,
TANGEDCO,
144, Anna Salai, Chennai – 600 002.
- 3.The Superintending Engineer, South.I,
TANGEDCO,
110KV Complex,
K.K.Nagar, Chennai – 600 078.
- 4.The Executive Engineer/Porur,
TANGEDCO,
110KV Complex,
K.K.Nagar, Chennai – 600 078.
- 5.The Assistant Executive Engineer/Kundrathur,
TANGEDCO,
No.2, Vellar Street,
Kundrathur, Chennai – 600 069.



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6. Assistant Engineer, Kundrathur (R),
TANGEDCO,
No.2, Vellar Street,
Kundrathur, Chennai – 600 069.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay Rs.92,00,000/- towards damages and compensation for the past and future sufferings of the petitioner, due to the negligence and inaction of the respondents.

For Petitioner : Mr.S.Venugopal Raj
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct the respondents to pay Rs.92,00,000/- towards damages and compensation for the past and future sufferings of the petitioner, due to the negligence and inaction of the respondents.

2. The case of the petitioner is that some of the electric lines from the High Tension grid installed by the respondents were passing over the petitioner's house. The vertical distance between the electric line and the terrace of the petitioner's house is less than one metre. While the petitioner



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was playing in the terrace, he touched the electric line and suffered from a huge electric shock. Due to which, his right arm had to be amputated. Thereafter, the petitioner's father caused a legal notice on 02.11.2016 to be issued on the respondents 1 and 6 seeking compensation from them. Since, there was no reply from them, the present Writ Petition is filed before this Court for a compensation of Rs.92 lakhs from the respondents.

3. Mr.S.Venugopal Raj, learned counsel for the petitioner would submit that, as per Rule 80 of Indian Electricity Rules, 1956, the respondents have to maintain the distance of 3.7 metres from vertical and 1.2 meters from horizontal. However, the said distance was not maintained by the respondents-Electricity Board, for which, the petitioner was electrocuted. Hence, the respondents have to necessarily pay the adequate compensation to the petitioner. Accordingly, he prayed for necessary orders.

4. Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents would submit that the construction of the petitioner's house itself is an unauthorized construction and there was no request from the petitioner's father to shift the line from his building. In the absence of any



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request and the petitioner's father being the unauthorized constructor, the petitioner is not entitled for any compensation claimed by him from the respondents. However, he is entitled for exgratia amount of Rs.2,00,000/- from the respondents-Electricity Board.

5. Heard Mr.S.Venugopal Raj, learned counsel for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents and perused the materials available on record.

6. Though the petitioner claimed that the petitioner is electrocuted while he was playing in the terrace of his house and further, the learned counsel for the petitioner claimed that as per the above said Rule, the respondents ought to have maintained the vertical and horizontal distance of 3.7 metres and 1.2 meters respectively, the petitioner did not have any record to show that the petitioner's construction is an authorized one and obtained electricity service connection from the respondents-Electricity Board. However, the petitioner's father did not make any request to the respondents-Electricity Board to shift the electric lines from the petitioner's house. In the absence of any proof with regard to construction as well as the request for



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shifting the line, the claim made by the petitioner is mis-conceived. Hence, the writ petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. However, the respondents-Electricity Board is directed to disburse exgratia amount a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the petitioner within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

08.03.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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