



W.P.No.2462 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

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Thara

... Petitioner

Vs.

- 1.The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
- 2.The Chairman,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Mount Road,
Chennai.
- 3.The Superintendent Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
NPKRR Building,
No.5, B Block, Electricity Avenue,
144, Anna Salai,
Chennai – 600 002.
- 4.The Chief Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,



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(TANGEDCO),
NPKRR Building,
No.5, B Block, Electricity Avenue,
144, Anna Salai,
Chennai – 600 002.

5.The Commissioner,
Corporation of Chennai,
Rippon Building,
Chennai – 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, by directing the respondents 1 to 5 to pay compensation to the sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the petitioner for the death of petitioner's son due to electrocution.

For Petitioner : M/s.S.Mahendran
For Respondents : Mr.L.Jai Venkatesh
Standing Counsel [R1 to R4]
M/s.P.T.Ramadevi
Standing Counsel [R5]

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, to direct the respondents to pay compensation to the sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the petitioner for the death of petitioner's son due to electrocution.



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2.The case of the petitioner is that, the petitioner's son, namely Johnson was working as an Office Boy and earning a sum of Rs.8,500/- per month. On 01.12.2015, at about 9.00 a.m, the petitioner's son went to his work as usual. As ill luck would have it, there was a snapped live high tension electric wire, lying on the road, and when the said Johnson came into contact with the snapped wire, he was electrocuted. Regarding the said tragic incident, a complaint has been lodged, which was registered as a case in Crime No.3130 of 2015 under Section 174 of Cr.P.C., wherein, it has been alleged that the respondent-Electricity Board was not proper in maintaining the electric wires, and it was only due to their negligence and recklessness, the said Johnson died. Hence, the present writ petition has been filed before this Court.

3.M/s.S.Mahendran, the learned counsel for the petitioner submits that, during the pendency of this writ petition, the petitioner has received a sum of Rs.3,00,000/- (Rupees Three Lakhs only) from the Government under the Tamil Nadu Victim Compensation Scheme, 2013. He would also submit that the respondent-Electricity Board is not properly maintaining the electricity distribution, due to which, the petitioner's son



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died. Hence, he prayed that this Court may issue a direction to the respondents to pay a sum of Rs.2,00,000/- as compensation amount to the petitioner for the death of her son within a time frame that may be fixed by this Court.

4.Mr.L.Jai Venkatesh, the learned Standing Counsel appearing for the respondents 1 to 4 produced a letter dated 19.02.2018, relevant portion of the same, reads as follows :

“On 01.12.2015 at about 10.30 hrs the D.No.169, Eldams Road, TP Structure 250 KVA DT, kept in opened condition due to heavy flood in an around Eldams Road in Teynampet, Jurisdiction. There is no LT supply in the above said area on 01.12.2015 from 10.30 hrs to 03.12.2015 21.00 hrs and the supply was restored only on 03.12.2018 at about 21.00 hrs after draining the flood water in the Eldams Road and Alwarpet junction areas.

But, the deceased person (Late) Johnson died on 01.12.2015 was due to leakage of electric from generator supply of M/s.Syndicate Banks, Eldams Road, Teynampet, Chennai.”



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5.The fifth respondent has filed a counter affidavit, in which, it has been stated that, on 01.12.2015, due to heavy rain, there was no electricity supply by the respondents-Electricity Board, from whom, the fifth respondent-Corporation is getting electricity supply. Therefore, there is no question of electricity leakage and there is no negligence on the part of the fifth respondent-Corporation. Hence, the fifth respondent is not liable to pay any compensation to the petitioner and he prayed for dismissal of this writ petition.

6.Heard M/s.S.Mahendran, learned counsel appearing for the petitioner and Mr.L.Jai Venkatesh, learned Standing Counsel appearing for the respondents 1 to 4 and M/s.P.T.Ramadevi, learned Standing Counsel appearing for the fifth respondent and perused the materials placed on record.

7.There is no dispute with regard to the death of Johnson on 01.12.2015, and the death occurred due to electrocution on account of heavy rain when the electric wire got snapped. The snapping of the wire, according to the petitioner is on account of the respondent-Electricity Board not maintaining the electric wires with due care and caution, the



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electric wire would not have got snapped, nor does the petitioner would have lost his son. Therefore, the tragic incident occurred, for which, the petitioner is entitled to compensation.

8.However, the learned Standing Counsel appearing for the respondents submitted that on 01.12.2015 at about 10.30 hrs, D.No.169, Eldams Road, TP Structure 250 KVA DT, kept in open condition and due to heavy flood in an around Eldams Road in Teynampet and there was no LT supply in the above said area on 01.12.2015 from 10.30 hrs to 03.12.2015 21.00 hrs and the supply was restored only on 03.12.2018 at about 21.00 hrs. During that period, the petitioner's son died due to the leakage of electric current from generator supply of M/s.Syndicate Banks, Eldams Road, Teynampet, Chennai and this is the reason for the electrocution.

9.Though the stand of the petitioner with regard to the leakage of electricity is disputed by the respondents by stating that during the relevant period due to heavy flood, electricity was suspended and the leakage is only on account of leakage of electric current from the



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generator supply made to M/s.Syndicate Bank, however, the said fact is not supported by any materials. Further, this Court is at a loss to understand as to how the generator supply made inside a particular premises would cause leakage of electricity in the water, that is flown outside. Further, if the stand of the respondent-Board is to be accepted, then the persons, who were within the premises would also have faced electrical shocks due to the wet weather. The present stand of the respondent-Electricity Board is only to wriggle itself out of the predicament of paying further compensation to the petitioner. The petitioner's son has been electrocuted by a live wire on the streets and in such a scenario, the respondents cannot put the blame on the Bank. Therefore, the stand of the respondent-Electricity Board that the present petition involves disputed question of fact and cannot be adjudicated by this Court under Article 226 of the Constitution is wholly unsustainable and the same deserves to be rejected. The lethargic and callous attitude in the maintenance of the electrical lines has robbed a life, which requires, at least, to be compensated in some manner, so that the dependants does not suffer monetary loss, which compensation has to be paid by the respondent-Electricity Board.



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10.For the reasons aforesaid, this Court directs the respondents-Electricity Board to disburse a sum of Rs.2,00,000/- to the petitioner, apart from the compensation amount already given by the Government, within a period of four weeks from the date of receipt of a copy of this order.

11.With the above direction, this writ petition is disposed of. No Costs.

08.03.2023

Index : Yes / No
Internet : Yes / No
Speaking order / Nonspeaking order

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M.DHANDAPANI, J.

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