



WP No.22114 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20-03-2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.22114 of 2016

Ponnammal

..

Petitioner

vs.

- 1.The Chairman cum Managing Director,
TNEB,
Chennai.
- 2.The District Collector,
Thiruvannamalai District.
- 3.The Executive Engineer,
TNEB, Thiruvannamalai Town,
Thiruvannamalai District.
- 4.The Assistant Executive Engineer,
TNEB, Palli Village,
Cheyyar Taluk,
Thiruvannamalai District.



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5.The Junior Engineer,
TNEB, Palli Village,
Cheyyar Taluk,
Thiruvannamalai District.

6.Inspector of Police,
Cheyyar Police Station,
Thiruvannamalai District.

[R-6 suo motu impleaded vide order of Court
dated 17.10.2022 made in WP No.22114 of 2016].. Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
for the issuance of Writ of Mandamus, directing the respondents to pay
compensation to the petitioner for the death of his son Rammohan due to the
negligence acts on the part of the respondents 2 to 4.

For Petitioner : Mr.S.M.Makesh

For Respondents-1, 3 to 5 : Ms.Daniel Mary,
Standing Counsel for TANGEDCO.

For Respondent-2 : Mr.S.Ravichandran,
Additional Government Pleader.

For Respondent-6 : Mr.S.Balaji



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ORDER

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The writ on hand has been filed seeking compensation for the death of the son of the petitioner occurred due to electrocution.

2. The petitioner states that on 28.09.2010, his son was tending the sheep near the Thumbai Lake. In the evening at about 15.30 hours, the petitioner and his family members heard the terrific sound from the place from where his son was tending the sheep. Immediately, the petitioner reached the place where the Transformer was blasted and due to which his son was thrown away and found with burns in a charred condition. Immediately, with the help of the villagers, the boy was taken to Government Hospital at Cheyyar, wherein treatment was provided and thereafter he was taken to Kilpauk Hospital at Chennai. He was admitted in the Kilpauk Hospital on the very same day in the ICU Ward and all parts of his body were burned and unfortunately the boy died on 03.10.2005.



3. The learned counsel for the petitioner made a submission that the son of the petitioner died due to electrocution on account of the negligence committed by the Authorities by not maintaining the Transformer properly in that locality. Thus the petitioner is entitled for compensation.

4. The learned Standing Counsel appearing on behalf of the respondents 1, 3 to 5 objected the contention raised on behalf of the petitioner by stating that on that day, there was no power supply in the said Transformer and therefore, the entire incident narrated by the petitioner is incorrect. At the time of incident, the power of supply in the said Transformer was not functioned on account of the maintenance works carried on at the Sub Station.

5. Pertinently, a criminal case was registered under Crime No.1895 of 2005 before the Cheyyar Police Station. A report was submitted by the Sub Inspector of Police and as per the Police Report, the boy died on



account of electrocution. When the police investigation revealed that the son of the petitioner died due to electrocution, the respondent-Electricity Board is liable to pay compensation to the victim based on their own Board proceedings.

6. The Board had taken a decision to grant compensation to the victim of electrocution and accordingly, Rs.5 lakhs compensation is fixed by the Tamil Nadu Electricity Board. When the Board itself has passed an order granting Rs.5 lakhs compensation to the persons, who died on account of electrocution, in the present case, the petitioner could establish that his son died due to electrocution. The police investigation report also revealed that the son of the petitioner died due to electrocution.

7. This being the factum, the respondents 1, 3 to 5 are directed to pay a sum of Rs.5 lakhs to the petitioner towards compensation along with interest at the rate of 6% per annum from the date of accident till the date of realisation, within a period of six weeks from the date of receipt of a



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copy of this order.

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8. With the abovesaid directions, the writ petition stands allowed. However, there shall be no order as to costs.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

Svn



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To

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S.M.SUBRAMANIAM, J.

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