



WEB COPY



WP No.19363 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.19363 of 2018

K.Anandan

... Petitioner

Versus

1. The Tamil Nadu Electricity Board Limited,
Rep. By its Chairman,
NPKKR Maligai,
No.144, Anna Salai,
Chennai.

2. The District Collector,
Thiruvallur District, Thiruvallur.

3. The Assistant Executive Engineer,
33KV/11KV Naappalayam (AE)
TNEB Sub Station, Manali New Town,
Chennai-103.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to pay compensation to the petitioner for the negligence and non maintenance act of the respondents.

For Petitioners : Mr.S.N.Subramani

For Respondents : Mr. L.Jai Venkatesh For RR1 & 3
Mr.Veda Bagathsingh, SGP, R2



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ORDER

The writ petitions have been filed seeking a direction to the respondents to pay compensation to the petitioner for the negligence and non maintenance act of the respondents.

2. It is the grievance of the petitioner that the petitioner is the auto driver. On 16.10.2017, while the petitioner was standing near Kulalani Stand to pickup a passenger, at that time, the petitioner was electrocuted by a high voltage power electric wire fallen on him. Thereby, he was admitted in Sugam Hospital at Thiruvottiyur. Subsequently, on 17.10.2017, the petitioner was shifted to Sri Ramachandra Hospital, he was suffered 30% of electrical burns and he was discharged from the hospital on 23.10.2017. Based on the complaint lodged by the petitioner, the respondent police registered a case in Cr. No.1005/2017. The above accident took place due to negligence and non maintenance of the respondents and hence, the petitioner made a representation on 06.03.2018 to the respondents seeking compensation of Rs.20 Lakhs. The respondents received the same and not taken any action so far. Without having no other option, the petitioner has filed the present writ petition before this Court.



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3. The learned counsel for the petitioner submitted that the petitioner has spent more than Rs.10 Lakhs for his treatment and hence, this Court may direct the respondents to consider the petitioners representations and pass appropriate orders within the stipulated time as fixed by this Court.

4. The learned Government Counsel appearing on behalf of the respondents submitted that pursuant to the crime, there is an appropriate remedy available to the petitioner only before the District Legal Services Authority under the Victim Compensation Scheme, 2013 and not before this Court.

5. In reply, the learned counsel for the petitioner also seeks permission to approach the District Legal Services Authority for getting compensation.

6. Heard both sides and perused the materials.

7. In such view of the matter, this Court grants liberty to the petitioner to file a fresh petition before the District Legal Services Authority under the Victim Compensation Scheme, 2013, within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of such petition, the



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concerned authority shall pass orders on merits and in accordance with law,
within a period of six weeks, thereafter.

8. With the above directions, the writ petition is disposed of. No costs.

08.03.2023

Index : Yes/No
Internet : Yes/No

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To

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