



W.P.No.94 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.94 of 2017

1. Divya
2. Thangavel
3. Bhakyam

.. Petitioners

vs

1. The Executive Engineer
Pudhucherry Electricity Department
Pondy Main Road
Villianur, Pondicherry 605 110.

2. The Superintending Engineer
Pudhucherry Electricity Department
No.137, NSC Bose Salai
Pudhucherry 605 001.

3. The Chief Secretary of the
Union Territory of Puducherry
The Government of India
Puducherry.

4. Sarala

[R3 & 4 impleaded vide order dated 30.01.2023
in W.M.P.No.457 of 2023 in W.P.No.94 of 2017]

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondents to pay a compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs Only) to the petitioners within a stipulated time.

For the Petitioner : Ms.T.Nithya

For the Respondents : Mr.B.Ramaswamy
Additional Government Pleader
(Puducherry)
for respondents 1 to 3

Ms.V.Atchaya
for respondent 4

ORDER

The writ of Mandamus has been filed to direct the respondents to pay compensation of Rs.25 lakhs to the petitioner.

2. The petitioner states that her husband late Mr.Srinivasan was working as a painter and an employee of GM Auto Garage, Villiyanur, Pudhucherry. He went to attend work on 05.11.2015 at 2.30 am. The husband of the petitioner went out to the nearby river side, wherein,



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he accidentally, stepped on a live wire, which was lying snapped from the electricity line. He got electrocuted and fell down unconscious and subsequently, the husband of the petitioner died.

3. The learned counsel for the petitioner states that on account of negligence of the respondents, the husband of the petitioner lost his life and therefore, the petitioner is entitled for compensation.

4. The learned Additional Government Pleader (Pudhucherry) appearing on behalf of the respondents 1 to 3 made a submission that the electric pole was installed in the private property, belonging to the fourth respondent. That apart, the compensation, as admissible under the C.M Ulavar fund has been granted to the writ petitioner to the tune of Rs.1,25,000/-. Thus, the Government has granted compensation from the C.M fund and if at all the petitioner seeks for more compensation, she has to prove her case with reference to the negligence on the part of either of the respondents.



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5. Such disputes cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. The petitioner has to establish her case through documents and evidences including oral evidence. Thus, the petitioner is at liberty to approach the Civil Court for seeking further compensation in the manner known to law.

6. With these liberty, the writ petition stands disposed of. There will be no order as to costs.

Index : Yes/No
Neutral Order: Yes/No
drm

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*Note: The name of the 4th respondent has been wrongly printed as Sara instead of Sarala.
Registry is directed to carry out the necessary amendments.*



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To:

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S.M.SUBRAMANIAM,J.

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