



WEB COPY

WP No.26242 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-04-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.26242 of 2017

1.Kaliyamoorthy
2.Murugan
3.Arul

... Petitioners

Vs.

1.The District Collector,
Villupuram District.
(R-1 Cause Title amended vide order of
Court dated 08.11.2022 made in WP 26242 of 2017)

2.The Chairman,
Tamil Nadu Generation and Distribution
Corporation Ltd., (Formerly TNEB),
No.144, Anna Salai,
Chennai-600 002.

3.The Superintending Engineer,
Villupuram Electricity Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Ltd., (Formerly TNEB),
Old Power House Road,
Villupuram.



4.Sub Inspector of Police,
B-7, Vikravandi Police Station,
Villupuram District-605 652.

(R-4 suo motu impleaded vide order of Court
dated 27.01.2023 made in WP 26242 of 2017) ... 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 a sum of Rs.14,20,000/- by way of compensation to the petitioners for the death of the first petitioner's wife Mrs.Kuppammal on account of electrocution.

For Petitioners : Mr.T.Ananthasekar

For Respondent-1 : Mr.P.Kumaresan,
Additional Advocate General
Assisted by Mr.J.Daniel,
Government Advocate.

For Respondents-2 and 3: Mr.Venkateseshaiya,
Standing Counsel for TANGEDCO.

ORDER

The relief sought for in the present writ petition is to direct the



respondent to pay a sum of Rs.14,20,000/- by way of compensation to the writ petitioner for the death of first petitioner's wife Smt.Kuppammal on account of electrocution.

2. The petitioner states that they have been cultivating sugarcane in the leasehold land. On 01.09.2016, at about 05.00 P.M., Smt.Kuppammal, wife of the first petitioner was removing weeds in the sugarcane field, one electric pole standing on the land with stay wire. When she was removing weeds near the stay wire, she touched the stay wire and got electrocuted.

3. The wife of the first petitioner died subsequently. A police complaint was lodged on the file of the Vikravandi Police Station in Crime No.634 of 2016 under Section 174 of the Code of Criminal Procedure.

4. The learned Additional Advocate General appearing on behalf of the State brought to the notice of this Court that the criminal case registered had been closed.



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5. The Authorities conducted inspection and found that the deceased died on account of electrocution. Thus it is not in dispute that the wife of the first petitioner died on account of electrocution. Since the respondents have not responded for grant of compensation, the petitioners have chosen to file the present writ petition.

6. It is represented by the learned counsel for the petitioners that he has filed a Memo stating that as the first petitioner died on 02.12.2017, the second and third petitioners, who are the legal heirs of the deceased first petitioner, were already on record. Thus the Memo filed by the learned counsel for the petitioners is ordered and the second and third petitioners are recorded as the legal heirs of the deceased first petitioner.

7. Fatal/Non-Fatal on account of electrocution is to be compensated even as per the proceedings of the Tamil Nadu Electricity Board. In this regard, the Board passed TANGEDCO proceedings No.6, dated 16.10.2019. Accordingly, the second and third petitioners are entitled



for the compensation of Rs.2 lakhs and the said amount was enhanced by the Board in proceedings dated 16.10.2019. However, the wife of the first petitioner died on 01.09.2016 and therefore, the second and third petitioners are entitled to get compensation to the tune of Rs.2 lakhs. Since the said amount of Rs.2 lakhs has not been paid during the relevant point of time, the second and third petitioners are entitled to interest for the said amount.

8. Accordingly, respondents 2 and 3 are directed to pay a sum of Rs.2 lakhs towards compensation along with interest at the rate of 6% per annum from the date of death till the date of realisation and settle the amount in favour of the petitioners 2 and 3/legal heirs of the deceased first petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

9. The grant of compensation under the Board proceedings is not a bar for the second and third petitioners to claim compensation for which they are otherwise eligible in accordance with law.



10. Accordingly, the present writ petition stands allowed.

However, there shall be no order as to costs.

11-04-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.

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