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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.1363 of 2023

and

W.M.P.(MD)No.1249 of 2023

1.Veeramma

2.Minor A.Roshini

3.Minor A.Ajitha

... Petitioners

vs.

1.The Chairman cum Managing Director,
Tamilnadu Generation and Distribution Corporation Limited,
TANGEDCO, Annasalai, Chennai.

2.The Superintending Engineer,
Tamilnadu Generation and Distribution Corporation Limited,
TANGEDCO, Theni District, Theni.

3.The Executive Engineer (O&M),
Tamilnadu Generation and Distribution Corporation Limited,
TANGEDCO, Uthamapalayam, Theni District.

4.The Assistant Executive Engineer (O*M),
Tamilnadu Generation and Distribution Corporation Limited,
TANGEDCO, Chinnamanoor, Theni District.

5.The Assistant Engineer (O&M),
Tamilnadu Generation and Distribution Corporation Limited,
TANGEDCO, Kammayagoundenpatti,
Uthamapalayam Circle, Theni District.



6.The District Collector,
Office of the District Collector, Theni.

7.The Inspector of Police,
Rayappanpatti Police Station, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 5 herein to pay adequate compensation in accordance with law due to the death of first petitioner's husband and father of the 2nd and 3rd petitioners, namely, P.Ajith (26 years old), who died due to electrocution by considering the petitioner's representation, dated 27.12.2022 within the time stipulated by this Court.

For Petitioners	:Mr.P.Mahendran
For R1 to R5	:Mr.S.Deenadhayalan assisted by Mr.Viji
For R6 and R7	:Mr.J.Ashok Additional Government Pleader

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction to the 1-5 respondents, in effect, the Electricity Board, to pay adequate compensation for the death of the husband of the first petitioner/father of the petitioners 2 and 3.



2.Heard Mr.P.Mahendran, learned Counsel for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel assisted by Mr.Viji, learned Counsel for the respondents 1-5 and Mr.J.Ashok, learned Additional Government Pleader for the respondent 6 and 7.

3.The late husband of the first petitioner was aged just 26 years. The 2nd and 3rd petitioners are minors and the third petitioner is an infant of just seven months old. In the affidavit filed in support of this Writ Petition, it had been stated that the husband of the first petitioner, Ajith, who was working as Helper at Electricity Board Office at Kammayagoundenpatti/the fifth respondent, had been allotted work consequent to a break down in Kasthuriba Nagar School in the said area. He climbed the electric pole and suffered an electrocution and died. He fell down from a height of 40 feet. The petitioners sought compensation. In this regard, an FIR in Cr.No.94 of 2022 had also been registered on 02.04.2022 under Section 174 Cr.P.C.

4.A direction was given by this Court to the 1-5 respondents to comply with their own Board proceedings of the year 2019, whereby, a



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sum of Rs.5,00,000/- has to be paid as compensation, if any death occurs owing to electrocution.

5.The learned Standing Counsel for the Electricity Board today informed that demand draft bearing No.995467 had been purchased for a sum of Rs.5,00,000/- from Canara Bank, Uthamapalayam Branch, on 21.06.2023. This fact is also affirmed by the learned Counsel for the petitioner.

6.A direction is given to the 1-5 respondents to hand the same over to the petitioner/Counsel for the petitioner without any delay.

7.In view of that particular fact, the Writ Petition stands disposed of. However, the petitioners have every right to initiate a suit seeking further compensation. This is all the more necessary taking into consideration the age of the deceased, who was only 26 years and who was actually working as a Helper under the Electricity Board and had suffered death due to electrocution only owing to work assigned and consequent to work assigned, had climbed the electric pole and suffered a



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shock and fell down from a height of 40 feet.

8.It must also be taken into consideration that he has two young children and the second child is an infant aged just seven months on the date of filing of Writ Petition. All these factors can be putforth by the petitioners herein and they may institute appropriate suit in the competent civil Court seeking adequate compensation for the loss of husband of the first petitioner and the father of the second and third petitioners.

9.Giving that particular liberty to the petitioner, which actually is an inherent right of the petitioners, the Writ Petition stands disposed of. No costs. The efforts taken by Mr.S.Deenadhayalan, learned Standing Counsel assisted by Mr.Viji, learned Counsel for the respondents 1-5 in enabling interim compensation to be paid is deeply appreciated. Consequently, connected miscellaneous petition is closed.

Index :Yes / No
Internet :Yes
NCC : Yes/No
cmr

22.06.2023

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To
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- 1.The District Collector,
Office of the District Collector, Theni.
- 2.The Inspector of Police,
Rayappanpatti Police Station, Theni District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.1363 of 2023

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