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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.2687 & 2688 of 2021

1. Sundharalingam

2. Ramupriya

... Petitioners in
Both the petitions

vs.

1. The Chairman,
TANGEDCO, 144,
Annasalai, N.P.K.R.R.Palace, 10th floor,
Chennai- 600 002.

2. The District Collector,
Office of the District Collectorate,
Theni.

3. The Superintendent Engineer,
Central Office, TNEB,
NRT Road,
Theni.

4. The Assistant Executive Engineer,
TNEB, Cumbum,
Theni District.

... Respondents in
Both the petitions



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COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance a Writ of Mandamus, directing the respondents to pay a sum of Rs.20 Lakhs and Rs.15 Lakhs, as compensation towards the death of the petitioner's father and mother due to electrocution on 19.03.2019, by considering the representation of the petitioner dated 12.10.2020.

In Both the Writ Petitions:

For Petitioners : M/s.Vanjinathan

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

COMMON ORDER

This writ petition has been filed seeking direction to the respondents to pay a sum of Rs.20 lakhs and Rs.15 lakhs, as compensation towards the death of the petitioners' father and mother due to electrocution on 19.03.2019, by considering the representation of the petitioners, dated 12.10.2020.

2. The petitioners' father, namely Murugan and petitioners' mother, namely, Senthamarai died due to electrocution. They had tried to move a Flex Board of Goddess Adhibarasakthi and in the process they came into contact with



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a live high tension wire running near the terrace of the house and died on the spot. Thereafter, First Information Report was registered on 20.03.2019 in Crime No.127 of 2019 on the file of the Sub-Inspector of Police, South Police Station, Cumbum and final report was also submitted on 25.03.2019. The police had filed action dropped report. The deceased Murugan and his wife while carrying Flex Board has not taken proper care. Therefore, entire liability cannot be fixed on the respondents. However, the respondents are liable under no fault liability and ought to pay minimum compensation for the death of the petitioner's mother and father.

3. As per Board proceedings, the respondents are entitled to pay compensation. However, in the present case, the deceased petitioners' father and mother have not taken proper care the entire responsibility cannot be fixed on the respondents and hence the petitioners' claim is restricted. Therefore, the respondents are directed to pay Rs.3 lakhs for the death of the petitioner's father and Rs.3 three lakhs for the death of the petitioner's mother and totally a sum of Rs.6 lakhs shall be paid as compensation to the petitioners, within a period of three weeks, from the date of receipt of a copy of the order.



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4. With these observations and directions, these Writ Petitions are disposed of. No Costs.

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

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To

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