



W.P(MD)No.1973 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1973 of 2022

1.Sivagurunathan
2.Amutharani

... Petitioners

Vs

- 1.The Chairman,
TANGEDCO,
Anna Salai,
Chennai-600 002.
- 2.The Superintendeing Engineer,
TANGEDCO,
Sivagangai,
Sivagangai District.
- 3.The Executive Engineer,
TANGEDCO,
Karaikudi Region,
Sivagangai District.
- 4.The Assistant Executive Engineer,
TANGEDCO, Devakottai,
Sivagangai District.
- 5.The Inspector of Police,
Devakottai Police Station,



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Devakottai,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 4 to pay compensation of Rs.25,00,000/- for the death of the Petitioners' son namely Senthooor who is aged about 20 years with subsequent interest to them forthwith.

For Petitioner	: Mr.J.Sankara Pandian
For R1 to R4	: Mr.S.Deenadayalan Standing Counsel
For R5	: Mr.P.Kottaichamy Government Advocate

ORDER

The petitioners' son, namely, Senthur aged about 20 years, after completing 12th standard, with an ambition to serve in Indian Army has started his training by residing at Senthamil Complex, Silambani Oorani, Devakottai, Sivagangai District. On 25.09.2021 at about 12.00 p.m, while he was standing in the balcony of the said room slipped and touched the electric line, which is passing through adjacent to the balcony, due to which, he



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sustained severe injuries and was admitted in the Government Hospital, Devakottai and died on 29.09.2021. With regard to this incident, a case has been registered by the Devekottai Town Police Station in Crime No.469 of 2021 under Section 174 of Cr.P.c., The petitioners have submitted a representation on 29.11.2021 seeking compensation for the death of their son. However, it was not considered by the respondents so far. Hence, this writ petition.

2.The learned Standing Counsel appearing for the respondents 1 to 4 submits that this occurrence had taken place in a private complex and there is no negligence on the the part of the TANGEDCO. Therefore, this writ petition is not maintainable. He further submits that a case has been registered in Crime No.469 of 2021 on the file of the Devakottai Police Station and investigation is yet to be completed. On the outcome of the investigation in Crime No.469 of 2021 alone, the respondent Board can find out the manner in which the accident took place.



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3.The learned Government Advocate appearing for the fifth respondent submits that a final report has already been filed by the respondent police in Crime No.469 of 2021, dated 21.10.2021 and submits that they have closed the First Information Report as "further action dropped". The final report reads as follows:-

"On 25.09.2021 at about 12.00 Noon, one Senthur along with his friends while standing in the balcony and talking in his mobile phone has slipped and touched the electric line, thereby, sustained injuries, admitted in a Government Hospital and died on 29.09.2021 at about 5.50 a.m. This incident has happened only due to electric shock."

4.Post Mortem Certificate has also been enclosed along with the final report and on perusal, it reveals that the opinion of Doctor reads "the deceased would appear to have died of extensive superficial infected electrical burns of about 70% and its complication thereof".

5.As per the available records, it appears that the petitioners' son died due to electrocution, while standing in the



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balcony, when he touched the electric line, which is passing through adjacent to the balcony. It appears that the electric line, which is passing through was without any safety protection.

6.In view of the above, this writ petition is allowed with a direction to the first respondent to consider the case of the petitioner, in accordance with the resolution passed by the TANGEDCO in (Per.)(FB) TANGEDCO Proceeding No.6, dated, 16.10.2019. No costs.

07.09.2023

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



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B.PUGALENDHI, J.

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