



W.P.(MD) No.2579 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2579 of 2020

- 1.S.Kasthuri (died)
2. Meenatchi
3. Krishnakumari
- 4.Palaniammal

... Petitioners

(Petitioners 2 to 4 are impleaded vide Court order dated 17.06.2022 in W.M.P(MD) No.3818 of 2021)

Vs

- 1.The District Collector,
O/o. the Collectorate,
Dindigul District.
- 2.The Chairman cum Managing Director,
Tamilnadu Generation Distribution Corporation Ltd.,
(TANGEDCO), 8th Floor NPKRR Maaligai,
144, Anna Salai, Chennai-600 002.
- 3.The Chief Engineer (CE),
Tamilnadu Generation Distribution Corporation Ltd.,
(TANGEDCO)
Palani Road, (Near Rountana),
Dindigul, Dindigul District.



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- 5.The Assistant Executive Engineer (AD),
Tamilnadu Generation Distribution Corporation Ltd.,
(TANGEDCO), Natham,
Natham Taluk,
Dindigul District.
- 6.The Assistant Engineer (AE),
Tamil Nadu Generation Distribution Corporation Ltd.,
(TANGEDCO), Natham,
Natham Taluk,
Dindigul District.
- 7.The Dean
The Government Rajaji Hospital,
Panagal Road,
Madurai-625020.

(R7 is impleaded vide Court order dated 22.06.2022
in W.M.P(MD) No.9098 of 2022)

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the respondents
2 and 3 to consider the petitioner's representation dated 12.12.2019 and
consequently, provide suitable compensation to her, within a time frame
as may be fixed by this Court.

For Petitioner	:	Mr.V.Muthuvelan
For R1 & R7	:	Mr.A.Sivanupandian Government Advocate



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For R2 to R6 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the constitution of India for a mandamus directing the respondents 2 and 3 to consider the petitioner's representation dated 12.12.2019 and award a suitable compensation.

2. It is the contention of the first petitioner that she was walking in her garden on 19.02.2019 at about 01.30 p.m. The electric pole belonging to the respondents 2 to 6, fell on the first petitioner, due to which, she had sustained an injury. The first petitioner has, during the pendency of the writ petition, passed away and her legal representatives were brought on record as petitioners 2 to 4. The deceased petitioner had submitted that she had spent a considerable sums of money for her treatment. She would submit that the accident was immediately informed to the TANGEDCO officials and a criminal complaint was also lodged



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on 19.02.2019. The First Information Report was also registered. She would therefore submit that the respondents have not even cared to reimburse the amount paid for her treatment. Therefore, this writ petition.

3.The learned counsel, who appears for the Electricity Board would initially submit that the petitioners are not entitled to any compensation as it is not a case of electrocution. However, he has also produced the proceedings of the Chief Engineer of the respondent board, dated 16.10.2019, wherein a slab rate for compensation has been fixed by the respondent. The instant case is a non-fatal accident with loss of limb.

4. A perusal of this proceedings would clearly show that in the case of a non-fatal accident, the first petitioner, who has subsequently passed away is entitled to a sum of Rs.2,00,000/-. Therefore, in the light of the proceedings, the petitioners 2 to 4 are entitled to a sum of Rs.2,00,000/-. The respondent Board is directed to pay the said amount



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to the petitioners 2 to 4, who are the legal heirs of the deceased first petitioner within a period of six weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition is allowed. No costs.

15.03.2023

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

To

- 1.The District Collector,
O/o. the Collectorate,
Dindigul District.
- 2.The Dean
The Government Rajaji Hospital,
Panagal Road,
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P.T.ASHA, J.

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