



W.P.(MD)No.3645 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.3645 of 2021

G.Gandhi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Electricity Department,
Fort St.George, Chennai.

2.The Chairman,
Tamil Nadu Generation and Distribution Corporation,
144, Annasali,
N.P.K.R.R. Maligai,
Chennai-2.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Barathinagar,
Ramanathapuram.

4.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thiru Uthirakosamanagai,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay



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adequate amount of compensation to the petitioner and the petitioner's children for the death of the petitioner's husband M.Ganesan son of Muthandi due to electrocution within the time stipulated by this Court.

For Petitioner : Mr.S.Malaikani

For R-1 : Mr.B.Saravanan,
Additional Government Pleader

For R-2 to R-4 : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the Electricity Department to pay compensation to the petitioner for the demise of her husband due to electrocution which was caused due to the negligence on the part of the respondents.

2. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the first respondent and the learned Standing Counsel appearing for respondent Nos.2 to 4.

3. The case of the petitioner is that her husband was working as a Government Servant. On 22.11.2019, the husband of the petitioner



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left to the office and while returning back home, the husband of the petitioner was electrocuted when he came in contact with a live wire that had snapped and fallen along with the electricity post. As a result, he died. An F.I.R. came to be registered in Crime No.178 of 2019 under Section 174 of Cr.P.C. The Postmortem report also opined that the death had taken place due to electrocution.

4. The specific case of the petitioner is that there was negligence on the part of the respondents in maintaining the electricity post and due to this negligence, the electricity post had fallen down and the wire had snapped and the husband of the petitioner came in contact with live wire and he was electrocuted and consequently died. It is under these circumstances, the petitioner has sought for the payment of the compensation.

5. The respondents have taken a stand that there was heavy rains on 22.11.2019 and as a result, a tree had fallen at the electricity post and the electricity post in turn had fallen down and as a result, electricity wire got snapped and unfortunately, the husband of the petitioner got



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electrocuted. Hence, the respondents have raised the defence of act of god and consequently, they have pleaded that there was no negligence on the part of the respondents.

6. In the considered view of this Court, the present case involves disputed questions of fact. On the one hand, the petitioner is claiming that there was negligence on the part of the Electricity Department in maintaining the electric post. On the other hand, the respondents have raised the defence of act of god. This issue cannot be decided in this writ petition, since it requires appreciation of facts and evidence.

7. In the facts and circumstance of the case, this Court deems it fit to invoke TANGEDCO proceedings dated 16.10.2019 which provides for the exgratia payment payable on compassionate grounds for fatal / non fatal accidents. Insofar as the fatal accidents are concerned, the compensation has been fixed at Rs.5,00,000/- (Rupees Five Thousand only). This amount can be directed to be paid to the petitioner in this writ petition. If the petitioner is not satisfied with the compensation and if



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according to the petitioner, her husband was electrocuted only due to the negligence on the part of the respondents, it is left open to the petitioner to initiate independent proceedings before the competent Civil Court and establish the negligence and seek for enhanced compensation.

8. In the result, this writ petition is disposed of with a direction to the petitioner to make a fresh representation to the fourth respondent along with all the relevant documents and also a copy of this order. On receipt of the same, the fourth respondent shall process the representation and pay the compensation with reference to TANGEDCO Proceedings No.6, dated 16.10.2019 and the compensation shall be paid to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

12.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To
The Secretary,
the State of Tamil Nadu,
Electricity Department,



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Fort St.George, Chennai.

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N.ANAND VENKATESH, J

tsg

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