



W.A.(MD).No.460 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.460 of 2023
and
C.M.P.(MD).No.4726 of 2023

The President,
A.Kalappur Village Panchayat,
Singampunari Taluk,
Sivagangai District.

.. Appellant/4th Respondent

Vs.

1.Selvam

.. 1st Respondent/Writ Petitioner

2.The Chairman,
Tamil Nadu General Distribution Corporation (TANGEDCO),
800, Anna Salai,
Chennai 22.

3.The Assistant Engineer,
Tamil Nadu General Distribution Corporation (TANGEDCO),
S.V.Mangalam,
Sivagangai District.

4.The Junior Engineer,
Tamil Nadu General Distribution Corporation (TANGEDCO),
Singampunari,
Sivagangai District.

.. Respondents 2 to 4/
Respondents 1 to 3



W.A.(MD).No.460 of 2023

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 06.12.2022 in W.P.(MD).No.9448 of 2015 on the file of this Court.

For Appellant : Mr.T.Amjad Khan
Government Advocate

For R-1 : Mr.S.Bharathy Kannan

For R-2 to R-4 : Mr.S.Deenadhayalan

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeal has been instituted against the order dated 06.12.2022 passed in W.P.(MD).No.9448 of 2015.

2. The fourth respondent/President, A.Kalappur Village Panchayat, Singampunari Taluk, Sivagangai District is the writ appellant before us. The first respondent, Mr.Selvam instituted writ proceedings seeking a direction to the respondents to pay compensation to the writ petitioner on account of the death of his son, Muthukrishnan, who died on 10.08.2014 due to electrocution.



W.A.(MD).No.460 of 2023

3. The learned Single Judge considered the issues and granted a sum of Rs.11,67,000/- towards compensation. Therefore, the Panchayat preferred the present Writ Appeal.

4. The learned Government Advocate appearing on behalf of the writ appellant mainly contended that the electrocution occurred on account of the negligence on the part of the deceased boy and therefore, fixing compensation against the appellant Panchayat is not in accordance with law.

5. The learned counsel appearing on behalf of the first respondent made a submission that the facts relating to electrocution and death of a living person was considered by the learned Single Judge and there is no infirmity in the order and accordingly, the Writ Appeal is to be rejected.

6. The disputed facts cannot be adjudicated in a writ proceedings. Negligence and other lapses of the authorities are to be gone into only by conducting trial nature proceedings. However, death due to electrocution was admitted between the parties. In view of the said admission, the first respondent is entitled for a compensation of Rs.5,00,000/- (Rupees Five



W.A.(MD).No.460 of 2023

Lakhs only) as per the proceedings of the Tamil Nadu Electricity Board and for enhancement of compensation, the first respondent has to sue the Panchayat and other authorities for the purpose of establishing negligence, lapses, dereliction of duty on the part of the authorities.

7. Accordingly, the order impugned dated 06.12.2022 passed in W.P. (MD).No.9448 of 2015 stands modified and the respondents 2 to 4/ authorities of the Electricity Board, are directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the first respondent along with interest at the rate of 6% from the date of death of his son till the date of payment, as per the proceedings of the Electricity Board, within a period of six (6) weeks from the date of receipt of a copy of this order. In the event of first respondent instituting a suit, the period during which the Writ Petition and Writ Appeal were pending before this Court is to be excluded and the suit is to be accordingly considered. Regarding the negligence, if any, on the part of A.Kalappur Village Panchayat, the authorities of the Electricity Board are at liberty to conduct an enquiry and if necessary, recover the compensation amount from the Panchayat by following the procedures.



W.A.(MD).No.460 of 2023

8. Accordingly, the Writ Appeal stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
15.12.2023

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

To

- 1.The Chairman,
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800, Anna Salai,
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- 2.The Assistant Engineer,
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