



W.P(MD)No.5350 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5350 of 2022

M.Senjiyammal

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Executive Engineer/Distribution,
TNAGEDCO Ltd.,
Karaikudi-630 001.

2.The Superintending Engineer,
TANGEDCO Ltd.,
O/o. SE/SEDC/Sivagangai,
Collectorate Complex,
Sivagangai-630 562.

... 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 to sanction compensation of Rs.5,00,000/- (Rupees Five Lakhs) on account of death of the petitioner's son Muthalagar died due to the electrocution as per proceeding No.6 dated 16.10.2019 on the basis of the petitioner's representation dated 31.01.2022 within a stipulated time that may be fixed by this Court.



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For Petitioner : Mr.P.Saravanakumar
For R1 : Mr.D.Sasikumar
Additional Government Pleader
For R2 & R3 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents to sanction compensation of Rs.5 lakhs as per proceedings No.6 dated 16.10.2019. The petitioner had given a representation on 31.01.2022 in this regard.

2. The facts of the case are that the petitioner who is a senior citizen and also a widow, had to suffer the unfortunate death of not only her husband but also of her second son who passed away 7 years before. Her last son who was working as a mechanic, was drinking tea at Arun Tea Stall on 26.10.2021. He touched the nearby electric pole. A strong electric current was running through the pole and he died due to electrocution. The petitioner seeks compensation while claiming that the said death / electrocution was only due to the negligence of the respondents herein in not ensuring that that electricity was not running through the pole. In this connection, a FIR has also been registered by the Karaikudi South Police Station in Crime No.456 of 2021.



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3. In the counter affidavit, filed by the respondents, they had stated as follows in paragraph No.5:

"5. It is respectfully submitted that on previous night of the alleged occurrence day due to heavy wind and rain there is leakage in the Iron pole which was erected in that area. On the alleged occurrence day the deceased after finished tea in Arun tea stall, while going to his work accidentally he touched the Iron pole, due to which he was electrocuted and subsequently he was taken to the Government Hospital and then he was died. Thereafter they lodged a complaint and a case has been registered. "

4. It is very evident that there was a leakage in the iron pole which had been erected in the area. The respondents should have ensured that there was no leakage and should also have ensured that if they had deducted the leakage, put up necessary board and precautionary signs, so that the general public would not come close to it. Unfortunately, the son of the petitioner herein died touching that pole without knowledge that electricity was running through it.

5. A direction is given to the respondents to pay compensation of Rs.5 Lakhs in accordance with their own Board proceedings No.6, dated 16.10.2019. Such compensation shall be paid within a period of eight weeks



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from the date of receipt of a copy of this order. The petitioner is also granted liberty to institute necessary proceedings to seek further compensation, if advised. No costs.

07.06.2023

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

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To

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Sivagangai.
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