



W.P.(MD).No.8233 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.8233 of 2021

Devi

... Petitioner

Vs.

1.Tamilnadu Generation and
Distribution Corporation Limited,
Represented by its Chairman,
No.144, Annasalai,
Chennai-2.

2.The District Collector,
Office of the District Collectorate,
Ramanathapuram District,
Ramanathapuram.

3.The Superintending Engineer,
Tamilnadu Generation and
Distribution Corporation Limited,
Ramanathapuram District.

4.The Assistant Engineer,
TANGEDCO,
R.S.Mangalam Division,
R.S.Mangalam,
Ramanathapuram District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent Nos. 1 to 3 to provide compensation to the tune of Rs.15 Lakhs to the petitioner for the death of her son Hariharan due to electrocution within the time period stipulated by this Court.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

This Writ Petition is filed for Writ of Mandamus, to direct the respondents No. 1 to 3 to provide compensation to the tune of Rs.15 Lakhs to the petitioner for the death of her son namely Hariharan due to electrocution.

2. Heard learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents and perused the material documents available on record.

3. The petitioner's son was 16 years old and was studying second year Mechanical Engineering in Mohamed Sathak Polytechnic College at Keelakarai, Ramnad District. Due to Diwali festival, he went to the petitioner's mother's home twon at Adanthanarkottai in R.S.Mangalam. On 13.10.2016 at



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about 8 A.M. the petitioner's son and one Ganesh Pandiyan were going to the agriculture field and he had accidently came in contact with low lying / sagging live electric wire and died on the spot. A criminal case was registered in Crime No. 167 of 2016 dated 31.10.2016.

4. The contention of the petitioner is that the death of the petitioner's son was caused due to the negligence and careless of the respondents in maintaining the electric pole and wire. It is an admitted fact that there was sagging of live wire and the respondents are bound to maintain the wire, if it is sagging the same ought to be rectified. Therefore, the respondents are responsible for the death of the petitioner's son.

5. As per BP proceedings, the respondents ought to pay Rs.5,00,000/- (Rupees Five Lakhs only) for any electrocution death. Since in the present case, the negligent on the part of the respondents, this Court is fixing on the liability on the respondents. The deceased person was only 16 years old, hence the just and adequate compensation would be Rs.10,00,000/- (Rupees Ten Lakhs only). Therefore, the respondents are directed to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) to the petitioner within a period of eight (8) weeks from the



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date of receipt of a copy of this order. If the respondents shall not pay the same within the stipulated time as stated supra, then the respondents shall pay 6% interest and the interest shall be calculated from the date of lapse.

6. With these observations and directions, this Writ Petition is allowed as stated supra. There shall be no order as to costs.

22.09.2023

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



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S.SRIMATHY, J.

Sml

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