



W.P.(MD).No.9165 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 06.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.9165 of 2021

Kalavathy

... Petitioner

Vs.

1.The Secretary and Managing Director,
TANGEDCO,
N.P.K.K.R.Maligai,
144, Annasalai,
Chennai – 2.

2.The Superintendent Engineer,
TANGEDCO,
NRT Main Road,
NRT Nagar,
Theni.

... 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 herein to pay suitable compensation of Rs.10.00 Lakhs for the death of the petitioner's mother Lakshmiammal who died on 12.11.2019 due to electric shock on the basis of the petitioner's representation dated 01.12.2020.



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For Petitioner : Mr.C.Asaithambi

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

This Writ Petition is filed for Mandamus, directing the respondents to pay Rs.10,00,000/- as compensation for the death of the petitioner's mother namely, Lakshmi Ammal, who died on 12.11.2019 due to electric shock, by considering the petitioner's representation dated 01.12.2020.

2. The petitioner is the legal heir of the deceased Lakshmi Ammal. The petitioner is married and living separately. The petitioner's father died on 15 years ago and the petitioner is only the legal heir of the deceased Lakshmi Ammal. On 12.11.2019, at about 6.45 a.m., the petitioner's mother went in search food for the Cow and at that time, she found some plants in front part of the demolished house of one Alagar and she accidentally touch the electric wires without knowing it is live wire. She was immediately thrown away and subsequently died on the way to Hospital. Thereafter Crime No.408 of 2019 was registered for offence under Section 174 of Cr.P.C.



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3. The contention of the petitioner is that due to negligence act on the part of the respondents, the petitioner's mother was died. But the respondent Board refuted the contention and submitted that the deceased Lakshmi Ammal died due to electric shock which is inside the residential premises and hence they are not liable to pay compensation and the liability ought to be fixed on the owner of the house and not against the respondent Board.

4. The petitioner produced photograph of the house, wherein it is seen that the house was in dilapidated condition, only two walls are available, that too in dilapidated condition, no roof and it cannot be termed as house.

5. Therefore, this Court is of the considered opinion that the liability ought to be fixed on the respondents as well as the owner of the house. As per B.P.No.6 of 2019 dated 16.10.2019, the respondent Board is liable to pay compensation in case of electric death. Therefore, the respondents are directed to pay Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioner. The respondents are at liberty to recover 50% of Rs.5,00,000/- from the owner of the house. The said amount shall be paid within a period of three (3) months from the date of receipt of a copy of this order.



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06.07.2023

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

To

- 1.The Secretary and Managing Director,
TANGEDCO,
N.P.K.K.R.Maligai,
144, Annasalai,
Chennai – 2.
- 2.The Superintendent Engineer,
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S.SRIMATHY, J.

Nsr

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