



W.P.(MD) No.8320 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.10.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.8320 of 2020
and WMP(MD) No.7717 of 2020

S.Poomari Selvi,

... Petitioner

Vs

1. The Chairman,
Tangedco, 800 Anna Salai, Chennai.

2. The Superintendent Engineer,
Distribution Tangedco, Maharaja Nagar,
Palayamkottai, Tirunelveli.

3. The Assistant Engineer,
Distribution Tangedco, Kalankarai Road,
Shenkottai, Tirunelveli-627 809.

4. The District Collector,
Tenkasi District Tenkasi.

5. T.Mahesh Alias Arunachalam,,
S/o.Tirumalai, Ammankovil Street,
Nainagaram Village, Kadaiyanallur Taluk,
Tenkasi District.

... Respondents

(R5 Impleaded Vide
Court Order Dated 19.08.2020 in Wmp NO.8389/2020



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PRAYER: Writ petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus respondents to pay a sum of Rs.20,00,000 (Twenty Lakhs) as compensation to the petitioner under the principles of strict liability for the death of the petitioner son by electrocution caused due to the negligence of the respondents by considering the representation of the petitioner dated 29.6.2020.

For Petitioner : Mr.K.Prabhu
For Respondents : Mr.A.K.Manikkam for R4
Special Government Pleader
Mr.S.Deenadayalan for R1 to R3

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the electricity department to pay compensation to the petitioner on the ground that the negligence on the part of the department had resulted in the electrocution and the demise of the son of the petitioner.

2.The case of the petitioner is that on 24.03.2020, at about 5.30 p.m., her son was playing badminton, the feather cork fell in the terrace of the neighbours house. When the son of the petitioner want to pick up the feather cork, he came in contact with the high tension electric wire that was passing very low over the terrace of the neighbour's building



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and as a result, he died on the spot due to electrocution. An FIR came to be registered in Crime No.75/2020 under Section 174 Cr.P.C. The postmortem report also reveals the fact that the son of the petitioner died due to electrocution.

3. The petitioner has filed the present writ petition claiming for compensation on the ground that high tension wire was passing very low over the terrace of the neighbours building and hence, there is negligence on the part of the department and this has now caused the life of the son of the petitioner.

4. The third respondent has filed a counter and the third respondent has taken a stand that the occurrence had taken place not due to any negligence and that the matter involves disputed questions of facts, which can only be decided by the competent civil Court. Accordingly, the respondent has sought for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondents.



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6. There is no dispute with regard to the fact that the son of the petitioner came in contact with a live high tension electric wire and was electrocuted. It is not necessary for this Court to go into the negligence aspect and it will suffice to rely upon the TANGEDCO proceedings No.6 dated 16.10.2019, wherein, an exgratia payment is made to persons, who die or suffered injuries due to electrocution. Accordingly, the case of the petitioner can be brought within the scope of the said proceedings.

7. In view of the above, there shall be a direction to the third respondent to act upon the representation made by the petitioner on 29.06.2020 and deal with the same in line with the TANGEDCO proceedings No.6 dated 16.10.2019 and compensation of Rs.5 lakhs shall be paid to the petitioner. This process shall be completed by the third respondent within a period of eight weeks from the date of receipt of a copy of this order. If, according to the petitioner, she is entitled for more compensation on the ground that the accident had taken place due to the negligence on the part of the TANGEDCO, it is left open to the petitioner to agitate her right before the competent civil Court and establish the



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negligence on the part of the department.

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8. The writ petition is disposed of with the above terms. No costs. Consequently connected Miscellaneous Petition is closed.

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NCC : Yes/No

Index : Yes/No

RR

To
The District Collector,
Tenkasi District Tenkasi.



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N.ANAND VENKATESH, J.

RR

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