



W.P.(MD)No.12190 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.12190 of 2020

Annalakshmi, W/o.Jeyamuthu

.. Petitioner

Versus

- 1.The Secretary,
Ministry of Electricity,
Fort St. George,
Chennai – 9.
- 2.The Chairman,
TNEB, Annasalai, Chennai – 600 002.
- 3.The Superintending Engineer,
TNEB, Sivagangai District, Sivagangai.
- 4.The Executive Engineer,
TNEB, Manamadurai, Sivagangai District.
- 5.The Assistant Engineer,
TANGEDCO, Tiruppuvanam.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pay compensation for the death of his son Rs.10,00,000/- to the petitioner within a time frame to be fixed by this Court.

For Petitioner : Mr.R.Ramasamy

For R1 : Ms.S.Jeyapriya
Government Advocate



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For R2 to R5 : Mr.S.Deenadhayalan
Standing Counsel

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to pay compensation to the petitioner for the demise of her son due to electrocution.

2. The case of the petitioner is that her son was playing within the compound of ECO Friendly Textiles in Manaloor. At that point of time, he came in contact with the live electric wire and as a result, he was electrocuted and died.

3. According to the petitioner, the high tension live electric wire was at a very low level and as a result, the son of the petitioner came in contact with the live electric wire. Accordingly, the petitioner alleges negligence on the part of the respondents to be the cause for the death of her son. Hence, the petitioner has claimed for compensation.

4. Heard Mr.R.Ramasamy, learned counsel for the petitioner, Ms.S.Jeyapriya, learned Government Advocate for the first respondent and Mr.S.Deenadhayalan, learned Standing Counsel for the respondents 2 to 5.



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5. Taking into consideration the facts and circumstances of the case, this

Court does not want to go into the issue of negligence. It will suffice, if this Court takes note of TANGEDCO Proceedings No.6, dated 16.10.2019, wherein for such fatal/non-fatal accident, *ex-gratia* payment is made on compassionate grounds. Accordingly, there shall be a direction to the fifth respondent to consider the claim made by the petitioner seeking for compensation in line with TANGEDCO Proceedings No.6, dated 16.10.2019, and the compensation of a sum of Rs.5,00,000/- as provided in the Proceedings, shall be paid to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation before the first respondent along with a copy of this order.

6. If the petitioner seeks for any additional compensation on the ground that the demise of her son was caused due to negligence on the part of the respondents, it is left open to the petitioner to agitate her right before the competent Civil Court and establish the negligence on the part of the respondents.

7. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No

04.10.2023

Index : Yes/No

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N.ANAND VENKATESH, J.

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