



W.P(MD)No.4481 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4481 of 2019

Pushpam

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO)
No.144, Annasalai,
Chennai-600 002.

2.The Chief Engineer,
TANGEDCO,
Trichirappalli Region,
Trichy.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGEDCO),
Pudukottai District,
Pudukottai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to grant compensation of Rs.19,00,000/- (Nineteen Lakhs) for the death of the petitioner's husband due to electrocution on the ground of negligence of the respondents considering the petitioner's representation dated 16.08.2018 within the stipulated time.



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For Petitioner : Mr.D.R.Murugesan

For Respondents : Mr.S.Dheenadhayalan
Standing Counsel

ORDER

The petitioner's husband died due to electrocution on 19.07.2018 at around 6.00 pm. Seeking compensation for the same, the writ petition has been filed.

2. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant monetary relief as prayed for.

3. The respondents have filed the counter affidavit. The learned Standing Counsel reiterated the contentions set out therein. Relying on the decisions of the Hon'ble Apex Court reported in 2000 (4) SCC 543 & 2005 (6) SCC 226, the learned counsel contended that invocation of writ jurisdiction is not appropriate for determining compensation and that the petitioner should have filed only a civil suit. He pressed for dismissal of the writ petition.

4. I carefully considered the rival contention and went through the materials on record.



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5. I agree with the contention of the learned standing counsel that civil suit is the appropriate remedy in cases where there are disputed question of fact.

In the case on hand, I do not find any factual dispute. Following the demise of the petitioner's husband, Crime No.72 of 2018 was registered on the file of the Vadakadu Police Station, Pudukkottai District. The said FIR reads that when the petitioner's husband was passing through the field to switch off their motor, her husband stepped on a live electric wire that had snapped and fallen on ground. This version projected by the petitioner is not disputed in the counter. In Paragraph No.6 of the counter, it reads that due to heavy wind and rain on the previous night, electric line had snapped. According to the respondents, the occurrence was due to natural calamity. Thus, there is no factual dispute in this case. In matters such as this, this Court had consistently been applying the principle of absolute liability. But for the snapping and falling of wire, the petitioner's husband would not have died. I therefore have no hesitation to fasten liability on TANGEDCO. The next question that arises for consideration is regarding quantum of compensation. In the FIR, the petitioner had stated that they are engaged in agricultural work. Only in the representation and in the affidavit filed in support of the writ petition, it is claimed that he was working in a borewell company and earning Rs.20,000/- per month. There cannot be any dispute that the petitioner's husband was earning some income.



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The deceased was not only married but also having three children. His aged mother was also dependent on him. It is therefore safe to assume that he would have been earning a sum of Rs.8,000/-. Since as many as five persons were dependent on him, he would have spent only 1/4th on his personal expenses. Therefore, his monthly income can be taken as Rs.6,000/-. The quantum of compensation is payable as follows:-

(1) Loss of Income : (Rs.8000/- – Rs.2,000/-) + (Rs.2,400/-)	
X 12 X 17 (multiplier)	
	= Rs.17,13,600/-
(2) Consortium	
(Rs.40,000/- X 5 dependents)	= Rs.2,00,000/-
(3) Loss of Estate + Funeral Expenses	= Rs.30,000/-

	Rs.19,43,600/-

6. Rs.1,00,000/- out of the aforesaid amount shall be paid straight away and directly to the mother of the deceased. The writ petitioner will be entitled to 25% of the remaining amount. 75% of the balance amount will be deposited in the name of the three minor children. The writ petitioner can withdraw the accrued interest once in three months. The deposited amount can be withdrawn



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proportionately by each of the children on their attaining majority. The respondents shall comply with the aforesaid direction within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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