



1

W.P.(MD)NO.5596 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.5596 of 2019

S.Murugan

... Petitioner

Vs.

1. The Principal Secretary to Government of Tamil Nadu,
Department of Electricity,
Secretariat, Chennai.
2. The Chairman,
TANGEDCO,
Anna Salai, Teynampet, Chennai.
3. The Superintendent Engineer TANGEDCO,
K.Pudur, Madurai.
4. The Assistant Executive Engineer TANGEDCO,
Tirumangalam, Madurai.
5. The Engineer TANGEDCO,
Tirumangalam South,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay a sum of Rs.10,00,000/-(Rupees Ten Lakhs only) by way of compensation for the death of the petitioner's father Sakkannan.



WEB COPY



2

W.P.(MD)NO.5596 OF 2019

For Petitioner : Mr.P.Ganapathi Subramanian

For R-1 : Mr.M.Lingadurai,
Special Government Pleader.

For R-2 to R-5 : Mr.S.Deenadhayalan,
Standing Counsel.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner's father was crossing the agricultural field of a neighbour and happened to touch the live electricity wire that had snapped and fallen on ground. He died on the spot. Crime No.265 of 2016 was registered on the file of the Inspector of Police, Koodakovil police station on 23.12.2016 at 09.30 a.m.

3. The liability of the TANGEDCO in this case is beyond dispute. It is not as if the petitioner's father was negligent or even contributed to the occurrence. Like any agriculturist, he was crossing the field of his neighbour without knowing that the live wire had fallen on ground. He



accidentally came in contact with the same and suffered electrocution and instant death. In such cases, this Court has consistently applied the principle of absolute liability on the respondents. From the facts available on record, one can easily come to the conclusion that the respondents are liable to pay compensation for the occurrence in question.

4. The second question that arises for consideration is regarding quantum of compensation. The case of the petitioner is that his father was aged about 52 years and that he was earning more than Rs.10,000/- as coolie. The learned Standing counsel appearing for the respondents would point out that as per the postmortem certificate, he was aged about 55 years. Even the legal heirship certificate filed by the petitioner indicates that the petitioner's mother was aged about 52 years during the relevant time. The petitioner has also not filed the school leaving certificate or birth certificate of the deceased father. Therefore I come to the conclusion that the deceased was aged 55 years at the time of the occurrence. The deceased left behind his wife Lakshmi and the daughter by name Bagathal and the son by name Murugan, the petitioner herein.



WEB COPY

5. It is well settled that the Court can apply the formula that is invoked while computing the damages in motor accident claims. I called upon the learned Standing counsel to work out the compensation payable by applying the usual formula. Without conceding the case of the respondents, the learned Standing counsel carried out the directions of this Court and came out with a figure of Rs.8,80,044/-. If the income of the deceased is taken as Rs.10,000/- per month, the said calculation as arrived at by the learned Standing counsel is acceptable. I hold that the TANGEDCO (respondents 2 to 5) is liable to pay a sum of Rs.8,80,044/- which is rounded off to Rs.9,00,000/- (Rupees Nine Lakhs only). This amount will carry interest @ 6% p.a. from the date of filing of the writ petition. 40% of the amount shall be paid to the wife of the deceased, while the remaining 40% of the amount shall be paid to the daughter of the deceased and 20% of the amount shall be paid to the writ petitioner herein. This disbursement shall be done within a period of eight weeks from the date of receipt of a copy of this order.



6. This writ petition stands allowed on these terms.

No costs.

20.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The Principal Secretary to Government of Tamil Nadu,
Department of Electricity,
Secretariat, Chennai.
2. The Chairman,
TANGEDCO,
Anna Salai, Teynampet, Chennai.
3. The Superintendent Engineer TANGEDCO,
K.Pudur, Madurai.
4. The Assistant Executive Engineer TANGEDCO,
Tirumangalam, Madurai.
5. The Engineer TANGEDCO,
Tirumangalam South,
Madurai.



WEB COPY



6

W.P.(MD)NO.5596 OF 2019

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.5596 of 2019

20.01.2023