



W.P(MD)No.8275 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8275 of 2019

S.Anitha

... Petitioner

Vs

1.Tamil Nadu Generation and Distribution
Corporation Limited,
Represented by its Chairman,
No.144, Annasalai,
Chennai – 2.

2.The District Collector,
Madurai District,
Madurai.

3.The Executive Engineer (O & M),
Tamil Nadu Generation and Distribution
Corporation Limited,
Madurai Division,
K.Pudur,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay compensation to a tune of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the petitioner for the death of her husband, namely, N.Senthil Kumar who died on 28.12.2018 due to electrocution on the accident held at a residential building



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situated at South Marat Street, South Gate, Madurai and by considering the representation dated 18.03.2019 within the period that may be stipulated by this Court.

For Petitioner : Mrs.P.Yasmin Begum

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.1 & R.3

Mr.G.Suriyananth
Additional Government Pleader for R.2

ORDER

Heard the learned counsel on either side.

2.The writ petitioner's husband suffered death due to electrocution on 06.12.2017. In this regard Crime No.909 of 2017 was registered on the file of South Gate Police Station, Madurai City. The petitioner submitted a representation seeking compensation to the tune of Rs.10,00,000/- (Rupees Ten Lakhs Only). Since Tamil Nadu Generation and Distribution Corporation (TANGEDCO) declined to consider the same, the present writ petition came to be filed.

3.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to direct the respondents to pay compensation as prayed for.



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4.The respondents have filed counter affidavit and the learned Standing Counsel took me through the pleadings set out therein. According to the learned Standing Counsel, the petitioner's husband had voluntarily courted death and no negligence can be attributed to the TANGEDCO officials and that therefore the writ petition is liable to be dismissed.

5.I carefully considered the rival contentions and went through the materials on record. It is true that occurrence did not take place due to snapping of any live electric wire. The petitioner's husband's friend was living in the second floor of a residential building situated at South Gate, South Marat Street in Madurai. He requested the petitioner's husband to transport the steel cot from his apartment to the ground floor. When three persons were engaged in such shifting of the cot it came in contact with a high voltage overhead line and all the three persons were electrocuted and they suffered death. It is too obvious that but for the action of the petitioner's husband, the occurrence would not have taken place. However, one aspect cannot be lost sight of. The overhead electric lines had been drawn perilously close to the apartment building. The movement of articles such as almirahs and cots from such ground floor to the first floor is a normal movement. There is nothing unusual about it. Because the electric lines were drawn so closely, the occurrence had taken place. Of course, the persons concerned ought to have been imputed



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with knowledge and they ought to have been sufficiently careful while shifting articles from the second floor to the ground floor.

6.I am inclined to invoke the principle of no-fault liability. In other words, even if TANGEDCO is not at fault, still it can be called upon to pay compensation. As per proceedings that were then in force TANGEDCO has to pay a sum of Rs.2,00,000/- (Rupees Two Lakhs only) in such cases. The occurrence had taken place way back in the year 2017. More than four years have elapsed since then. Taking into account the principle of no-fault liability as well as the other contentions advanced by the learned counsel appearing for the writ petitioner, I direct the respondents to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs only) to the writ petitioner within a period of eight weeks from the date of receipt of a copy of this order.

7.This writ petition is partly allowed. There shall be no order as to costs.

19.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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To

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G.R.SWAMINATHAN, J.

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