



W.P.(MD)No.14214 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 11.01.2023

Pronounced on : 20.01.2023

CORAM

**THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.P.(MD).No.14214 of 2020**

Rajaboopathi

... Petitioner

**Vs.**

1.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.

2.The Inspector of Police,  
Sathankulam Police Station,  
Sathankulam,  
Thoothukudi District.

3.The Assistant Engineer,  
Tamilnadu Generation and Distribution  
Company (TANGEDCO),  
Sathankulam,  
Thoothukudi District.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1<sup>st</sup> Respondent taking necessary action against the erring Government Officials on the basis of the Petitioner's representation dated 15.09.2020 and direct the respondents to give adequate compensation.



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For Petitioner : Mr.T.Vadivelan  
For R-1 and R-2 : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor.  
For R-3 : Mr.S.Deenadhayalan,  
Standing Counsel.

### **ORDER**

The present Writ Petition has been filed for a Mandamus seeking direction to the 1<sup>st</sup> Respondent to take necessary action against the erring Government Officials on the basis of the petitioner's representation dated 15.09.2020 and direct the respondents to give adequate compensation.

2. The case of the petitioner is that the petitioner's son died due to electrocution on 03.08.2020 at about 4.00 PM. The petitioner's son was asked by one Selvaraj, Son of Devadoss, to repair the fault in the supply of electricity to his house. He had also informed the petitioner's son that the electricity officials had switched off the transformer. Believing the words of the said Selvaraj, the petitioner's son climbed on electrical post and he was electrocuted and immediately fell down dead. He was taken to the Government Hospital, Sathankulam, where he was declared dead. The petitioner had also informed about the incident to the respondent Police and to the electricity officials. Thereafter, the second respondent promised that he would make arrangements for obtaining compensation for the death of the petitioner's son and requested



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the petitioner to take the body of the petitioner's son without conducting post mortem. Thereafter, since the second respondent did not take any steps to obtain compensation, the petitioner sent a representation to the first respondent through registered post on 15.09.2020 claiming compensation for the death of his son.

3. The averments in the Writ Petition do not suggest in any manner as to how the officials are responsible for the unfortunate accident involving the petitioner's son. On his own admission, the petitioner's son had attempted to rectify a fault complained by one Selvaraj. In such circumstances, the facts narrated above, as stated in the affidavit filed in support of the Writ Petition, nowhere suggests that there is any negligence on the side of the respondents. That apart, the petitioner has not produced any record to show that the petitioner's son died due to electrocution. It is his case in the affidavit that his son was admitted at the Government Hospital, Sathankulam. No medical records have been filed to substantiate the petitioner's case. In such circumstances, one cannot assume that the death of the petitioner's son was unnatural and that the respondents 1 and 2 failed to take action in terms of Section 174 CrPC. The petitioner sent a representation only on 15.09.2020. Even in that representation, no documents supporting the case of the petitioner has been annexed. The averments in the Writ Petition would show that the petitioner



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was employed privately by one Selvaraj. In that case, the petitioner's remedy is to approach the Civil Court for compensation against the said Selvaraj.

4. For the aforesaid reasons, the Writ Petition as prayed for cannot be issued against the respondents. Hence, the Writ Petition is dismissed. There shall be no order as to costs.

**20.01.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
Lm

To

- 1.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.
- 2.The Inspector of Police,  
Sathankulam Police Station,  
Sathankulam,  
Thoothukudi District.
- 3.The Assistant Engineer,  
Tamilnadu Generation and Distribution  
Company (TANGEDCO),  
Sathankulam,  
Thoothukudi District.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**SUNDER MOHAN, J.**

Lm

**Pre-delivery Order made in  
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20.01.2023