



W.P.(MD)No.13764 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13764 of 2021

U.Selvi

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai.

2.The Divisional Engineer,
Tamil Nadu Electricity Board,
Tirunelveli Division,
Tirunelveli.

3.The Executive Engineer (Supply),
Tamil Nadu Electricity Board,
Tirunelveli Division,
Tirunelveli.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) towards the compensation for the death of the petitioner's husband, who met with an accident due to the electric shock on 08.05.2021 at Kalappakulam of Sankarankovil Taluk in Tenkasi District due to the negligence on the part of the respondents



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For Petitioner : Mr.Ramsundarvijayraj

For R-1 to R-3 : Mr.S.Deenadhayan

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the Electricity Board to pay compensation for the death of the petitioner's husband who was electrocuted and died on 08.05.2021, due to the negligence on the part of the Electricity Department.

2. The case of the petitioner is that on 08.05.2021 at about 12.30 P.M., the petitioner's husband was washing the clothes and he attempted to dry the clothes at the terrace and at which point of time, he came in touch with the live wire and as a result of which, he was electrocuted and he died. According to the petitioner, the electric wires in the pole that is situated near to her house had fallen in the roof of the house and that when the petitioner's husband was drying the clothes, he came in touch with the live wire and he died. The petitioner also made a complaint in this regard and the Sankarankovil Taluk Police Station registered an



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F.I.R. in Crime No.100 of 2021 under Section 174 Cr.P.C. The petitioner in order to substantiate that her husband had died due to electrocution also relied upon the Postmortem Certificate that was given wherein, it was opined that the petitioner's husband died due to electrocution. It is under these circumstances, the petitioner has filed the present Writ Petition seeking for compensation on the ground that the death of her husband was due to the negligence on the part of the respondents in not properly maintaining the electric wires.

3. The third respondent has filed a counter affidavit and has denied the fact that there was any negligence on the part of the Electricity Department. The third respondent has taken a stand that the petitioner's husband had extended the service wire with the stay wire and was using it for electric connection for a bulb and it is this live wire which resulted in the electrocution and the consequent demise of the husband of the petitioner. In view of the same, the third respondent has taken a very specific stand that there was no negligence on the part of the Department and that the petitioner is not entitled for any compensation.



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4. In the considered view of this Court, the present case involves serious disputed questions of fact. This cannot be decided in the present writ petition, since it involves letting in evidence. The TANGEDCO through Proceedings No.6, dated 16.10.2019 has fixed the payment of compensation on compassionate grounds with respect to fatal / non-fatal accidents. With respect to fatal accidents, the compensation has been fixed at Rs.5,00,000/- (Rupees Five Lakhs only). It will suffice, if the respondents are directed to pay the compensation to the petitioner in line with Proceedings No.6 dated 16.10.2019. The said compensation is payable even in cases where there is no negligence on the part of the Department.

5. In view of the above, there shall be a direction to the third respondent to deal with the representation made by the petitioner on 03.07.2021 and pay the compensation to the petitioner in line with Proceedings No.6, dated 16.10.2019 within a period of six (6) weeks from the date of receipt of a copy of this order. If the petitioner is not satisfied



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with the compensation, it is left open to the petitioner to agitate her rights before the competent Civil Court and seek for enhanced compensation after establishing the negligence on the part of the Electricity Department.

6. This Writ Petition is disposed of with the above directions.

No costs.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

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