



W.P(MD)No.15166 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15166 of 2022

M.Viji

... Petitioner

Vs.

1.Tamil Nadu General and Distribution Corporation Limited,
(TANGEDCO),
Rep. by its Chairman,
No.144, Anna Salai,
Chennai-2.

2.The District Collector,
Ramanathapuram District.

3.The Superintending Engineer,
Tamil Nadu General and Distribution Corporation Limited,
TANGEDCO,
Ramanathapuram Electricity Distribution Circle,
Ramanathapuram District.

4.The Executive Engineer (Distribution),
Tamil Nadu General and Distribution Corporation Limited,
TANGEDCO,
Paramakudi Division,
Ramanathapuram District.

5.The Sub Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram.
(R5 is suo motu impleaded vide order
dated 03.10.2023)

... Respondents



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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 provide compensation to the tune of Rs.10 Lakhs along with 7.5 % interest per annum to the petitioner for the electrocution death of petitioner's husband and Calf within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondent : Mr.S.Deenadhayalan
Standing Counsel for R1, R3 & R4

: Mr.S.Ra.Ramachandran
Additional Government Pleader for R2

: Mr.A.Albert James
Government Advocate for R5

ORDER

Heard both sides.

2. The petitioner's husband was an auto driver. The family also had a cow and calf. The petitioner is having two young children. On 24.11.2021 at about 4.00 a.m., the petitioner's husband went into backyard to attend to the cow. When he switched on the light in the cow shed, he suffered electrocution and died. In fact, the calf which was standing in the vicinity also got electrocuted and died. In this regard, Crime No.299 of 2021 was registered on the file of the Nainarkovil Police Station. The petitioner submitted a representation for compensation. It was not considered. Hence, the writ petition came to be filed.



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3. 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 relief as prayed for.

4. The learned counsel submitted that TANGEDCO will be liable to pay compensation only if there is any negligence on their part. Of-course under certain circumstances, by invoking no fault liability, ex-gratia is paid. Every case of electrocution will not attract no fault liability. He pointed out that the occurrence had taken place inside the house of the petitioner and that therefore, the question of directing TANGEDCO to pay compensation will not arise.

5. The learned Additional Government Pleader appearing for the second respondent submitted that the occurrence is not due to any natural causes and that therefore, the Government also cannot be called upon to pay any compensation.

6. I carefully considered the rival contentions and went through the materials on record. I had *suo motu* impleaded the jurisdictional police. The learned Government Advocate appearing for the police confirmed that the petitioner's husband's death was due to electrocution. Copy of the FIR has been



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enclosed in the typed set of papers. It is seen therefrom that on the occurrence date, there was heavy rain. The petitioner's counsel would contend that there was excess load leading to leakage and that is why, the petitioner's husband died. This cannot be ruled out. I take judicial notice of the fact that when there is heavy rain, there is always scope for leakage of electricity. G.O.(Ms)No.246 (Revenue and Disaster Management Department, Disaster Management Wing, DM3(2) Section), dated 03.08.2017 provides for granting financial assistance when death had occurred due to natural causes. The natural phenomena envisaged by the said G.O includes thunder, lightning, galewind & hailstorm. In the FIR, I find the expression “கனமழை”. Therefore, the petitioner's husband's death can definitely be attributable to the aforesaid natural phenomena. The petitioner's counsel would point out that the petitioner's husband would daily get up early in the morning and go to the cow shed and switch on the lights and tend to the cattle. His conduct on the said date also was in tune with his usual pattern. The only difference was there was heavy rain coupled with lightning and thunder and galewind. Therefore, the death of the petitioner's husband can definitely be linked to the said phenomena. I hold that the petitioner would be entitled to financial assistance in terms of the aforesaid G.O.



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7. The petitioner is directed to give a fresh representation by enclosing the copy of this order. Upon receipt of the same, the second respondent will forward the same to the Secretary, Revenue and Disaster Management Department, Government of Tamil Nadu immediately. The Government shall sanction a sum of Rs.4,00,000/- to the petitioner thereafter. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

8. The Writ Petition is allowed. No costs.

08.11.2023

Index : Yes / No
Internet : Yes/ No
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To

- 1.The District Collector,
Ramanathapuram District.
- 2.The Sub Inspector of Police,
Nainar Kovil Police Station,
Ramanathapuram.



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G.R.SWAMINATHAN, J.

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