



W.P.(MD).No.15379 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 05.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.15379 of 2020

J.Ranjitham

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation,
No.144, Annasalai,
Chennai – 02.

2.The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation,
Thoothukudi Division,
Thoothukudi -2.

3.The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation,
Puthiyaputhur,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.15 Lakhs for the death of petitioner's daughter Pushpam, due to electrocution, within a period of stipulated time along with interest at 9% from the date of accident.



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For Petitioner : Mr.M.Perumal

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

This Writ Petition is filed for Mandamus, directing the respondents to pay compensation of Rs.15 Lakhs for the death of petitioner's daughter Pushpam, due to electrocution, within a period of stipulated time along with interest at 9% from the date of accident.

2. On 17.04.2015, at about 7.30 a.m., the petitioner's daughter died while crossing the agricultural land due to the electrocution. The overhead wire was snapped and had fell on the earth for the past three days, which was informed to the respondent authorities. But the authorities had not taken any action. The deceased had come in contact with the live wire while she was crossing the agricultural field and was electrocuted on the spot. A case was registered in Crime No.57 of 2015 for the offences under Section 174 of Cr.P.C. The petitioner submitted a representation for granting compensation and the respondents did not consider the same. Hence, the petitioner is before this Court.



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3. The respondents have filed a counter stating that the petitioner's daughter died on 17.04.2015, while she attempted to move the snapped live wire which had fall on the small trees. Thereafter, FIR in Crime No.57 of 2015 was also filed. The snapping of the conductor was due to natural wear and tear. Further submitted that all consumers have been frequently advised through advertisement in daily Newspapers, Radio, Televisions etc., not to touch the hanging snapped wires. Inspite of the same, the deceased who was only 15 years old had touched the wire and was electrocuted. Therefore, the negligence is on the part of the deceased as well. Hence, the respondents prayed to dismiss this Writ Petition.

4. It is seen that wire was snapped and fell on the ground and the villagers had informed about the live wire lying on the ground. But the respondents have neither rectified the same nor the current was disconnected. Once the live wire comes in contact with earth the same ought to be disconnected and the said mechanism also failed. Therefore, the negligence is on the part of the respondents.



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5. Even though there is no negligence, the respondents based on the BP proceedings would pay compensation of Rs.5,00,000/- as no fault liability on electrocution death. In the present case, the deceased was 15 years old and therefore to meet the ends of justice, this Court is of the considered opinion that the petitioner is entitled to Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand only). Therefore, the respondents are directed to disburse the said amount within a period of eight (8) weeks from the date of receipt of a copy of this order. If the respondents are paying the amount after eight weeks, the same shall carry interest after the period of eight weeks.

6. In view of the above, this Writ Petition is allowed in above terms. There shall be no order as to costs.

05.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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