



W.P.(MD)No.16079 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2023

C O R A M

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.16079 of 2021

Anithammal

... Petitioner

-VS-

- 1.The Chairman Cum Managing Director,
Tamil Nadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
144, Anna Salai, Chennai – 600 002.
- 2.The Superintending Engineer,
(Central Office), TANGEDCO-TNEB,
NRT Nagar, Main Road,
Theni – 625 031,
Theni District.
- 3.The Executive Engineer,
O/o. Executive Engineer Office (East),
Theni Electricity Distribution Circle,
Tamil Nadu Generation and
Distribution Corporation Ltd. [TANGEDCO],
Near JC Petrol Bunk,
Madurai Road, Periyakulam Post,
Theni District.
- 4.The Assistant Executive Engineer,
O/o. the Assistant Executive Engineer
Office (West),
Tamil Nadu Generation and Distribution

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Corporation Ltd. (TANGEDCO),
Tamil Nadu Electricity Board (TNEB),
Andipatti West,
Theni District.

5.The Assistant Engineer,
O/o. Assistant Engineer Office (TNEB),
Tamil Nadu Generation and Distribution
Corporation Ltd. (TANGEDCO), Kadamalaikundu,
Andipatti Taluk, Theni District.

6.The Superintendent of Police,
O/o Theni Superintendent of Police Office,
Theni, Theni District.

7.The Inspector of Police,
Kadamalaikundu Police Station,
Kadamalaikundu Post, Andipatti Taluk,
Theni District.
(Crime No.87/2021)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to pay sum of Rs.20 00 000 (Twenty Lakhs only) by way of compensation for the death of petitioner's husband (late) Velmurugan, aged 38 years, due to electrocution.

For Petitioner : Mr.M.Karuppasamy Pandian

For R1 to R5 : Mr.S.Deenadhayalan
Standing Counsel

For R6 and R7 : Mr.R.Sivakumar
Government Advocate (Criminal side)



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ORDER

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2. The case of the petitioner is that her husband was a Painter by profession and he was engaged in a painting work at Dharmarajapuram in the house of one Jeganathan. On 24.02.2021 at 12 noon, when he was involved in the painting work, he came in touch with a live electric wire and as a result, he was electrocuted and he was rushed to the Government Hospital. Unfortunately, he died on 06.03.2021.

3. A complaint was lodged before the seventh respondent and an F.I.R. came to be registered in Crime No.87 of 2021 under Section 174 of Cr.P.C.

4. The specific case of the petitioner is that the electric wire way lying low and as a result, the petitioner's husband came in contact with the wire, resulting in his death due to electrocution.



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5. The learned Standing Counsel appearing on behalf of the TANGEDCO submitted that there was absolutely no negligence on the part of TANGEDCO and that the petitioner's husband was doing painting work and he had not noticed the electric wire and he came in contact with the same and was electrocuted. Therefore, it was contended that there was no negligence on the part of the TANGEDCO.

6. The learned Government Advocate (Criminal side) appearing on behalf of the respondents 6 and 7 submitted that the investigation was completed and a closure report was filed before the learned Judicial Magistrate, Aundipatti, as "further action dropped".

7. In the considered view of this Court, there is a serious dispute on facts with regard to the issue of negligence that has been raised by the petitioner. The same cannot be gone into in this Writ Petition. However, the TANGEDCO has issued Proceedings No.6, dated 16.10.2019, wherein *ex gratia* payment is made on compassionate ground with respect to fatal/non-fatal accidents. Insofar as fatal accidents are concerned, the



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ex gratia amount is fixed at Rs.5,00,000/-. This amount can be considered to be paid to the petitioner without getting into the issue of negligence.

8. In the light of the above discussion, there shall be a direction to the fifth respondent to deal with the representation made by the petitioner on 29.07.2021 in line with the TANGEDO Proceedings No.6, dated 16.10.2019 and the compensation amount shall be paid within a period of six weeks from the date of receipt of a copy of this order. If ultimately, the petitioner is not satisfied with the compensation, it is left open to her to approach the appropriate Civil Court and seek for enhanced compensation by establishing negligence on the part of the TANGEDCO.

9. This Writ Petition is disposed of in the above terms. No costs.

NCC : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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