



W.P.(MD) No.19765 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.19765 of 2020

K.Rajendran

.. Petitioner

Vs.

1.The Chairman cum Managing Director,
TANGEDCO,
144, Anna Salai, Chennai.

2.The District Collector,
Theni District.

3.The Superintending Engineer,
TANGEDCO,
N.R.T.Road, Theni District.

4.The Executive Engineer,
TANGEDCO,
N.R.T.Road, Theni District.

5.The Assistant Engineer, (O & M),
TANGEDCO,
Rasingapuram, Theni District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India
praying to issue Writ of Certiorarified Mandamus to call for the records



W.P.(MD) No.19765 of 2020

pertaining to the impugned order of the 5th respondent dated 09.09.2019 and quash the same as illegal and consequently direct the respondents to pay the suitable and adequate compensation to the petitioner for the death of the petitioner's son namely, Karuppasamy, aged 24 years due to the negligence of the respondents.

For Petitioner : Mr.A.Mohan
For RR1 & 3 to 5 : Mr.S.Deenadhayalan
Standing Counsel
For R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the 5th respondent dated 09.09.2019, rejecting the claim made by the petitioner for compensation and for a consequential direction to the respondents to pay adequate compensation for the death of the petitioner's son, allegedly due to the negligence on the part of the respondents.

2. The case of the petitioner is that his son Karuppasamy, aged about 24 years, was running a dairy farm. On 19.06.2019 at about

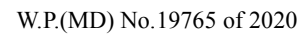


W.P.(MD) No.19765 of 2020

07.30 p.m., the petitioner's son touched the earth wire in the electric pole in front of the house and suffered an electric shock. He was taken to the Government Hospital, Bodinayakkanur and he was declared brought dead. Pursuant to this incident, a complaint was given and an FIR came to be registered in Crime No.317 of 2019 by the Bodinayakkanur Rural Police Station under Section 174 of Cr.P.C. Postmortem was conducted and it was opined that the death was due to electrocution.

3. The specific case of the petitioner is that his son's death was caused due to the negligence on the part of the respondents, in not properly maintaining the electric pole and hence, a representation was made seeking for compensation of a sum of Rs.25,00,000/-. On receipt of the representation, the 5th respondent, through the impugned proceedings, dated 09.09.2019, rejected the claim made by the petitioner. Aggrieved by the same, the present writ petition has been filed.

4. Heard Mr.A.Mohan, learned counsel for the petitioner, Mr.S.Deenadhayalan, learned Standing Counsel for respondents 1 and 3



5. The case of the petitioner is that his son had touched an earth wire in the electric pole and suffered a shock and died due to electrocution.

7. In the instant case, there is a factual dispute as to who should be made responsible for the incident and as to whether there was any negligence behind the incident that took place on 19.06.2019. These issues cannot be gone into in this writ petition. These issues can only be resolved before a competent civil Court on appreciation of evidence.



W.P.(MD) No.19765 of 2020

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8. Taking into consideration the facts and circumstances of the case and the Board Proceedings of TANGEDCO, dated 29.04.2013, this Court is inclined to direct the 5th respondent to make exgratia payment of Rs.2,00,000/- (Rupees Two Lakhs only) to the petitioner under Board Proceedings No.5, dated 29.04.2013. This process shall be completed by the 5th respondent within a period of four weeks from the date of receipt of a copy of this order. If the petitioner is not satisfied with the compensation paid, it is left open to the petitioner to workout his remedy before the competent civil Court and seek for enhanced compensation by establishing the negligence.

9. This Writ Petition is disposed of with the above directions. No costs.

24.11.2023

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

ABR



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W.P.(MD) No.19765 of 2020

N.ANAND VENKATESH, J.

ABR

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