



W.P.(MD)No.19326 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19326 of 2021

1.D.Thangapandian

2.D.Duraichi

... Petitioners

Vs.

1.The District Collector,
Office of the Collectorate,
Tirunelveli District. Tirunelveli.

2.The Chairman,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Annasalai, Chennai.

3.The Superintending Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Tirunelveli Division, Tirunelveli.

4.The Divisional Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Thiyagarajar Nagar, Tirunelveli.

5.The Executive Engineer,
Tamilnadu Generation and Distribution
Corporation Limited (TANGEDCO),
Thiyagarajar Nagar, Tirunelveli.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to pay compensation to the turn of Rs.15,00,000/- (Rupees Fifteen Lakhs Only) for the death of the petitioners mother namely Paulthai, who died due to electrocution on 25.01.2019 at Marakudi Rastha, Ukkirankottai Village of Manur Taluk, Tirunelveli District based on the petitioners' representation dated 17.08.2019.

For Petitioners : Mr.S.Ramasundarvijayaraj
For R1 : Mr.K.S.Selva Ganesan
Additional Government Pleader
For R2 to R5 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to pay the compensation for the death of the petitioners' mother due to electrocution based on the representation made by the petitioners dated 17.08.2019.

2.Heard the learned counsel for the petitioners, the learned Additional Government Pleader for the first respondent and the learned Standing Counsel for the respondents 2 to 5.



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3.The case of the petitioners is that, on 25.01.2019 at about 09.30 am., the mother of the petitioners went to the nearby field for washing cloths and at that time, a high voltage electric wire snapped and fell on the mother of the petitioners and as a result, she was electrocuted and she died on the spot. Complaint was also given in this regard to the Manur Police Station and FIR was also registered in Crime No.31 of 2019 under Section 174 of Cr.P.C..

4.The specific case of the petitioners is that the electrocution had taken place due to improper maintenance of the electric wires and therefore, the petitioners has sought for payment of compensation.

5.The learned Standing Counsel for electricity department, based on the instructions submitted that there was heavy wind during the relevant point of time and hence, the electric wire got snapped and unfortunately fell on the mother of the petitioners. Therefore, it was contended that there was no negligence on the part of the respondents.

6.In the considered view of this Court, this Court cannot go into the disputed questions of fact. In view of the same, this Court wants to rely upon



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the TANGEDCO proceedings No.6 dated 16.10.2019, which provides for ex-gratia payment in case of fatal accident.

7.In view of the above, there shall be a direction to the fifth respondent to pay the compensation of Rs.5 lakhs (Rupees Five Lakhs only) to the petitioners by taking note of the TANGEDCO proceedings No.6, dated 16.10.2019. This payment shall be made within a period of six weeks from the date of receipt of a copy of this order. If the petitioners are not satisfied with the compensation, it is left open to the petitioners to approach the appropriate civil Court and seek for enhanced compensation after establishing the negligence on the part of the electricity department.

8.This writ petition is disposed of in the above terms. No costs.

09.11.2023

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

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