



W.A(MD) No.1528 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.A.(MD) No.1528 of 2022

G.Palani

... Appellant

-VS-

1.The Chairman, TNEB,
Tamil Nadu Generation and Distribution
Corporation Board,
Anna Salai,
Chennai – 600 002.

2.The Superintending Engineer,
(Operation and Maintenance)
Tamil Nadu Electricity Board,
District Collectorate,
Sivagangai,
Sivagangai District.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Sivagangai Road,
Near SIPCOT,
Manamadurai,
Sivagangai District.

4.The Assistant Executive Engineer,
Tamil Nadu Electricity Board,
Thiruppachethi Sub-Station,
Thiruppachethi, Sivagangai District.

... Respondents



W.A(MD) No.1528 of 2022

PRAYER: Writ Appeal filed under Section 15 of Letters Patent against the order dated 25.07.2022 made in W.P.(MD)No.6642 of 2022.

For Appellant : Mr.SP.Vijay Nivas

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

JUDGMENT

(Judgment of the Court was delivered by **D.KRISHNAKUMAR, J.**)

Challenging the order dated 25.07.2022 made in W.P.(MD)No. 6642 of 2022, the appellant has come forward with this writ appeal.

2. It is the case of the appellant / writ petitioner that his wife died due to electrocution in the open terrace on 11.02.2022. A complaint was given and the same has been registered in Crime No.21 of 2022 on the file of the Thiruppachethi Police Station. Though the petitioner made a representation seeking for compensation, the same was not considered by the respondents. Hence, the petitioner has filed a writ petition before this Court in W.P.(MD)No.6642/2022, seeking for a direction to the respondents to pay compensation of Rs.10,00,000/- for the death of his wife viz., Banu. The Writ Court, by order dated 25.07.2022, dismissed



W.A(MD) No.1528 of 2022

the said writ petition. As against the same, the petitioner has filed this Writ Appeal.

3. The learned counsel appearing for the appellant submitted that the postmortem report and the FIR clearly shows that the petitioner's wife died due to electrocution and therefore, he is entitled to get compensation for the death of his wife. He further submitted that the learned Single Judge has not considered the petitioner's case in proper perspective and therefore, the order of the learned Single Judge warrants interference.

4. The learned Standing Counsel appearing for the respondents refuted the submissions made by the learned counsel appearing for the petitioner.

5. We have heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the materials available on record, it is seen that a complaint was given for the death of the petitioner's wife viz., Banu, who died due to electrocution in the open terrace and the same has been



W.A(MD) No.1528 of 2022

registered in Crime No.21 of 2022 on the file of the Thiruppachethi Police Station. On a perusal of the postmortem report, we find that there is no evidence to show that petitioner's wife died due to electrocution. Even in the complaint also, the petitioner has stated that his wife may be died due to electrocution. Apart from that, no other materials have been placed before this Court to show that the aforesaid Banu died due to electrocution. Further, it is seen that no final report has also been filed before the concerned Court.

7. The Hon'ble Supreme Court in ***Punjab National Bank and others Vs. Atmanand Singh and others*** reported in (2020) 6 SCC 256, has held as follows:

“22. We restate the above position that when the petition raises questions of fact of complex nature, such as in the present case, which may for their determination require oral and documentary evidence to be produced and proved by the party concerned and also because the relief sought is merely for ordering a refund of money, the High Court should be loath in entertaining such writ petition and instead must relegate the parties to remedy of a civil suit. Had it been a case where material facts referred to in the writ petition are admitted facts or indisputable facts, the High Court may be



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W.A(MD) No.1528 of 2022

justified in examining the claim of the writ petitioner on its own merits in accordance with law.”

8. Considering the facts and circumstances of the case, we are of the view that the petitioner has not filed any documents to prove that the his wife died due electrocution and these facts are the disputed facts. The same has to be established by adducing oral and documentary evidence. In the absence of such evidence, we are not inclined to entertain this Writ Appeal. Therefore, the order passed by the learned single Judge is sustainable and warrants no interference.

9. Accordingly, this Writ Appeal is dismissed with the liberty to the appellant to work out his remedy before the competent civil Court. No costs.

[D.K.K., J.] [R.V., J.]

02.01.2023

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



W.A(MD) No.1528 of 2022

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W.A(MD) No.1528 of 2022

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W.A.(MD)No.1528 of 2022

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