



W.P.(MD)No.20404 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.11.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20404 of 2021

V.Sundari

... Petitioner

vs.

1.The State of Tamilnadu,
Rep by its Secretary to Government,
Department of Electricity, Chepauk, Chennai - 600 009.

2.The Chairman Cum Managing Director,
Tamilnadu Generation and Distribution Corporation Limited,
(TANGEDCO), 10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai-600 002.

3.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited (TANGEDCO)
No.1, Vallam Road, Thanjavur - 613 007.

4.The Executive Engineer (O & M),
Pattukottai Division, Tamilnadu Generation
and Distribution Corporation Ltd., (TANGEDCO),
KN Palayam, TNEB Campus,
Pattukottai, Thanjavur District-614 602.

5.Assistant Engineer / Town /Peravurani,
Tamilnadu Generation and Distribution
Corporation Ltd., (TANGEDCO),
46, Puthu Road, Peravurani, Thanjavur District 614 804.

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6.The Collector,
Thanjavur District, Thanjavur 613 010.

7.The Tahsildar,
Peravurani Taluk, Thanjavur District

8.The Superintendent of Police,
Thanjavur District, Thanjavur-613010.

9.Inspector of Police,
Peravurani Police Station,
Peravurani, Thanjavur District 614804.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to pay an adequate compensation of Rs.10,00,000/- (Rupees Ten Lakhs Only) to the petitioner for the death of her husband due to electrocution which he was working as casual labourer under 5th respondent.

For Petitioner :Mr.S.Abubackersidhic
For R1, R6 and R7:Mr.A.K.Manikkam
Special Government Pleader
For R2 to R5 :Mr.K.Nagarajan
For R8 and R9 :Mr.R.Sivakumar
Government Advocate (crl.side)



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ORDER

It is an unfortunate case, where the petitioner, who had lost her husband during the year 2017 due to electrocution, has been running from pillar to post to get compensation from the department and since the petitioner was not able to get any relief, she has knocked the doors of this Court by filing this Writ Petition.

2.The case of the petitioner is that her husband R.Venugopal, was engaged as casual labourer under the fifth respondent from the year 1991 onwards. On 16.06.2017, the husband of the petitioner was attending to some repair works in electrical transformer near the railway line at Nattanikottai village. Unfortunately, the petitioner's husband was electrocuted and he was declared brought dead, when he was taken to a private hospital, viz., Bala Nursing Home. The medical certificate, dated 20.06.2017, issued by the said Nursing Home also recorded the cause of death, as electrocution.

3.The further case of the petitioner is that the fifth respondent had engaged the services of her husband without providing the minimum



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safety gears and as a result, the death had been caused due to the negligence on the part of the fifth respondent. The Assistant Engineer, namely, the fifth respondent gave a police complaint before the Inspector of Police, Peravurani Police Station, on 17.06.2017 morning. The same was not acted upon. Thereafter, the petitioner gave a complaint on 18.06.2017 and this was also not acted upon. The petitioner made a representation to the Superintendent of Police on 11.08.2017 and had did not evoke any response. Left with no other option, the petitioner filed an application under Section 156(3) of Cr.P.C., before the learned Judicial Magistrate, Pattukotai in C.M.P.No.1442 of 2018. The learned Judicial Magistrate, by order dated 14.03.2018, directed the Inspector of Police, Peravurani Police Station, to investigate the case and file a report before the Court. The petitioner was not aware about the further development that took place with respect to the investigation.

4.The petitioner was also making repeated representations to the second and third respondents claiming for compensation. Through a communication, dated 15.05.2021, the claim made by the petitioner was rejected. As a final resort, the present Writ Petition has been filed before



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this Court seeking for compensation.

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5.The fifth respondent has filed a counter affidavit. It is stated that the petitioner's husband was never engaged by the fifth respondent and the fifth respondent was not aware about the demise of the petitioner's husband due to electrocution. It is further stated that at the time when the incident is said to have been taken place, there was no power supply and therefore, the incident itself would not have occurred. The fifth respondent has taken a further stand that there was no negligence on the part of the Electricity Board and therefore, no compensation is payable to the petitioner and accordingly, the fifth respondent has sought for the dismissal of this Writ Petition.

6.Heard Mr.S.Abubackersidhic, learned Counsel appearing on behalf of the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing on behalf of the respondents 1, 6 and 7, Mr.K.Nagarajan, learned Counsel appearing on behalf of the respondents 2 to 5 and Mr.R.Sivakumar, learned Government Advocate appearing on behalf of the respondents 8 and 9.



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7. In the instant case, the Electricity Board has completely denied the fact that the petitioner's husband was engaged as a casual labourer by the fifth respondent. The materials placed before this Court shows that the petitioner's husband belonged to the Tamil Nadu Electricity Workers Central Union (CITU) and it is evident from the identity cards, that were issued in his name. These cards are pertaining to the years 1994, 1998 and 2001. If the petitioner's husband was not engaged in the work by the fifth respondent, there is no reason as to why such identity cards had been given in the name of the petitioner's husband.

8. It is also evident from the application filed by the petitioner before the learned Judicial Magistrate, Pattukottai, that a complaint was given by the fifth respondent at the earliest point of time on 17.06.2017 and therefore, it comes to light that the fifth respondent was aware about the demise of the petitioner's husband. It can also be seen that the petitioner had also given a complaint on 18.06.2017 and none of these complaints were acted upon. Eventually, an application came to be filed under Section 156(3) Cr.P.c., and the learned Magistrate directed an



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investigation to be conducted and to file a report. When such a direction is given, the Police is duty bound to register an FIR and to investigate.

An investigation can commence only after the registration of the FIR under Section 154 Cr.P.C.

9. In the instant case, from the report, dated 16.05.2018, that has been filed before this Court, it is seen that the concerned Police did not even register an FIR and they have merely gone by the stand taken by the Electricity Department and have come to a conclusion that the demise had taken place only due to negligence on the part of the deceased. This report is non-est in the eye of law, since such a report was given without even registering an FIR. In short, the Inspector of Police, Peravurani Police Station, has not complied with the order passed by the learned Judicial Magistrate. If an FIR is registered under Section 154 Cr.P.C. and investigation had taken place by recording the statements of the witnesses under Section 161(3) Cr.P.C., and the relevant materials were also collected from the spot, where the incident had taken place, a lot of facts would have come to light. Ultimately, even if a closure report is filed before the concerned Court, the Court will have an opportunity to



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look into the materials and take a decision as to whether the closure report must be accepted or summons must be issued to the accused persons. None of the procedure was followed in this case and as a result, the petitioner did not even have the advantage of a police investigation in this case.

10.This Court does not want to go into the issue as to whether the petitioner's husband was engaged as a casual labourer by the fifth respondent at the relevant point of time. With the available materials, it is clear that the petitioner's husband died due to electrocution. The TANGEDCO has issued proceedings for making *ex gratia* payment for those persons, who died due to electrocution. Such payment is made even in a case, which does not involve any negligence. Earlier, a sum of Rs.2,00,000/- was payable towards *ex gratia* payment and this was enhanced in the year 2019 through proceedings No.6, dated 16.10.2020, as Rs.5,00,000/-. Considering the facts and circumstances of the case, this Court is inclined to direct the fifth respondent to pay this compensation/*ex gratia* payment to the petitioner.



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11. Even though the incident had place in the year 2017, when the earlier board proceedings was in force, considering the fact that the petitioner has been made to run from pillar to post for the last six years, this Court is inclined to take note of the subsequent board proceedings No.6, dated 16.10.2020 and direct payment of a sum of Rs.5,00,000/- to the petitioner towards *ex gratia* payment.

12. In the light of the above discussion, there shall be a direction to the fifth respondent to pay a sum of Rs.5,00,000/- to the petitioner towards *ex gratia* payment vide Proceedings No.6, dated 16.10.2020 and this amount shall be paid within a period of six weeks from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation along with a copy of this order.

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

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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1.The Secretary to Government,
The State of Tamilnadu,
Department of Electricity, Chepauk, Chennai - 600 009.

2.The Collector,
Thanjavur District, Thanjavur 613010.

3.The Tahsildar,
Peravurani Taluk, Thanjavur District

4.The Superintendent of Police,
Thanjavur District, Thanjavur 613010.

5.The Inspector of Police,
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N.ANAND VENKATESH, J.

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