



**W.P(MD)No.11086 of 2015**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 10.08.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.11086 of 2015  
and  
M.P.(MD)No.1 of 2015

Palaniammal

... Petitioner

Vs.

1.The Chair Person,  
Tamil Nadu Electricity Board,  
Anna Salai, Chennai.

2.The Junior Engineer,  
Tamil Nadu Electricity Board,  
Koompatti, Srivilliputhur,  
Virudhunagar District.

3.The Station House Officer,  
Koomapatti Police Station,  
Koomapatti,  
Virudhunagar District.

4.The District Collector,  
Virudhunagar District.

5.Gurusamy

... Respondents



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**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to pay the compensation to the petitioner to a sum of Rs.10 lakhs for die of the Petitioner's husband by electrocution within the time frame fixed by this Court.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.D.Gandhiraj,  
Spl. Government Pleader for R3 & R4.  
Mr.S.M.S.Johnny Basha,  
Standing Counsel for R1 & R2.  
Mr.Jagadeesh Pandian for R5.

### **ORDER**

Heard both sides.

2.The petitioner's husband is said to have worked as an agricultural labour in the farm owned by the fifth respondent. It is specifically alleged that the fifth respondent had put an illegal electric fencing and that the petitioner's husband accidentally came in contact with the same on 11.05.2025 and died as a result of electrocution. In this regard, Crime No.47 of 2015 was registered under Section 304(A) of IPC and also the



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provisions of the Electricity Act. The petitioner seeks compensation for the death of her husband due to electrocution.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4.TANGEDCO filed counter affidavit and the learned standing counsel submitted that liability can be fastened only on the fifth respondent and not on the corporation.

5.The learned counsel for the fifth respondent filed counter affidavit and submitted that the fifth respondent had been acquitted in S.C.No.54 of 2016 on the file of the Principal District and Sessions Court, Virudhunagar District on 21.06.2023 and that in the light of the findings set out therein, the writ petition will have to be dismissed.

6.I carefully considered the rival contentions and went through the materials on record. I must clarify at the outset that TANGEDCO has to



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be necessarily exonerated. This is because no fault or negligence can be attributed to TANGEDCO or its officials. If the fifth respondent had put up an illegal electric fencing and the death has occurred on that score, the remedy is to proceed only against the fifth respondent.

7.The stand of the fifth respondent is that the petitioner's husband did not die due to electrocution. My attention is drawn to the relevant finding set out in the judgment dated 21.06.2023 in S.C.No.54 of 2016. The fifth respondent was prosecuted along with his brother. The doctor who issued the postmortem certificate was examined as P.W.12. The trial Court vide Ex.B4 dated 16.05.2015 noted that the cause of death as due respiratory arrest. However, Ex.B5 dated 26.11.2015 states that respiratory arrest took place due to electrocution. A careful reading of Paragraph Nos.20 and 21 of the judgment indicates that the trial Court disbelieved that the death was due to electrocution.

8.When I am faced with this finding rendered by the trial Court, it is not possible for me to direct the fifth respondent to pay compensation to the petitioner. At the same time, as rightly pointed out by the learned



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counsel for the petitioner, since the trial Court applied the standard of proof beyond reasonable doubt, it is possible that such conclusion was arrived at.

9.The petitioner cannot be denied her right to proceed against the fifth respondent before the jurisdictional Civil Court. Only because I am faced with such a finding, I am not in a position to grant relief in the writ petition. I however permit the petitioner to file civil suit against the fifth respondent and his brother. If such a suit is filed within a period of two months from the date of receipt of a copy of this order, it will be entertained without reference to limitation. In other words, limitation will not be put as a bar against the petitioner. If the petitioner is not in a position to pay the court fee, she can be allowed to file the suit in indigent capacity. After the suit is numbered, it shall be disposed of on merits and in accordance with law within a period of six months thereafter. I make it clear that the Civil Court will decide the issue without being influenced by the outcome of this writ petition. Likewise the defence of the fifth respondent is also left open.



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10. With this liberty to the petitioner to move the jurisdictional Civil Court and direction to the Civil Court as mentioned above, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

**10.08.2023**

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

To:-

1. The Station House Officer,  
Koomapatti Police Station,  
Koomapatti,  
Virudhunagar District.

2. The District Collector,  
Virudhunagar District.



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**G.R.SWAMINATHAN, J.**

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