



W.P.(MD)No.20333 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.20333 of 2021

and

W.M.P(MD)No.16982 of 2021

- 1.Dhanalakshmi
- 2.Saradha
- 3.Kowsalya Devi

... Petitioners

Vs.

- 1.The Chairman Cum Managing Director,
TANGEDCO Limited (TNEB),
No.744, Anna Salai,
Chennai.
- 2.The Assistant Engineer (Distribution),
TANGEDCO Limited (TNEB),
Kuruvikulam,
Tenkasi District.
- 3.The District Collector,
Tenkasi District,
Tenkasi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) as compensation for



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the death of the petitioner's mother Vijayalakshmi due to Electrocution on 14.01.2021.

For Petitioner : Mr.R.Murali
For R-1 : Mr.A.K.Manikkam,
Special Government Pleader
For R2 & R3 : Mr.S.Deenadhayalan

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to pay compensation of sum of Rs.20,00,000/- (Rupees Twenty Lakhs only) for the death caused due to the negligence on the part of the Electricity Department.

2.When the matter came up for hearing on 12.11.2021, this Court passed the following order:

“Mrs.M.Rajeswari, learned Standing Counsel takes notice on behalf of respondents 1 and 2. Mr.S.Shanmugavel, learned Additional Government Pleader takes notice on behalf of the third respondent.

2.Learned counsel for the petitioner pointed out that the mother of the petitioner herein unfortunately died due to electrocution on 14.10.2021 and it is claimed that owing to such death, compensation is payable.

3.Let the counsel Mrs.M.Rajeswari, take necessary instructions. However, my attention is also drawn



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to the circular issued by the respondents 1 and 2 on 16.10.2019, wherein, the respondents 1 and 2 had themselves committed to make a payment of Rs.5,00,000/- for fatal accidents, if at all, it is caused owing to any specific reason directly attributable to the said respondents. I am confident that learned Standing Counsel Mrs.M.Rajeswari, would take necessary instructions and inform this Court as to the nature of the accident and the reason for the same.

4.Call the matter once again on 02.12.2021.”

3. When the matter was, thereafter, listed on 15.11.2023, this Court passed the following order:

“It is brought to the notice of this Court that already a sum of Rs.5,00,000/- (Rupees Five Lakhs only) was paid as compensation to the petitioners.

2.The learned counsel for the petitioners submitted that this is a clear case of negligence on the part of TANGEDCO. Hence, the compensation amount must be fixed by adopting the provisions of the Motor Vehicles Act.

3.Since the petitioners are alleging negligence on the part of the first and second respondents, the second respondent is directed to file a counter in this case.

4.Post this Writ Petition on 06.12.2023.”



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4. When the matter was taken up for hearing today, the learned counsel for the petitioner submitted that it is a clear case of negligence on the part of the respondents in not properly maintaining the electricity lines and as a result, two lives were lost. One was the mother of the petitioner and other was the uncle of the petitioner. The learned counsel for the petitioner submitted that nobody knew that both of them were electrocuted and after a long time, the family relatives rushed to the spot and found both of them dead. Even at that point of time, no steps were taken by the Electricity Department to set right the electricity lines. The learned counsel for the petitioner, therefore, submitted that the payment of a sum of Rs.5,00,000/- will not suffice and that the petitioner is entitled for compensation by calculating the same in line with the formula that is adopted in the Motor Vehicles Act.

5. Per contra, the learned Standing Counsel appearing on behalf of the respondents submitted that this is a case where there was heavy rain and wind, as a result of which, the electricity wires snapped and unfortunately, the victims came in contact with the live wire and died. The learned Standing Counsel submitted that there was no negligence on the



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part of the respondents and the incident had taken place due to natural calamity.

6. This Court has carefully considered the submissions and the materials available on record.

7. On carefully going through the complaint that was given by the petitioner immediately after the incident, it is seen that the petitioner herself has stated that for nearly three days, there was a heavy rain and wind and as a result, the electricity wire had snapped. This complaint was given on 14.01.2021. The reason assigned in the complaint as to why the electricity wire snapped, is in line with the stand that has been taken by the respondents in the counter affidavit.

8. In the considered view of this Court, while exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot enter into disputed questions of the fact which require appreciation of evidence. The fact remains that there was heavy rain and heavy winds before the incident took place. Therefore, it must be seen as to whether the



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wire had snapped due to the natural calamity or due to the improper maintenance of the electricity lines. This issue certainly requires appreciation of evidence and it cannot be decided in this writ petition.

9. In the light of the above discussion, if the petitioner is not satisfied with the compensation of a sum of Rs.5,00,000/- (Rupees Five Lakhs only) that was paid by the respondents, it is left open to the petitioner to initiate civil proceedings against the respondents and seek for enhancement of compensation by establishing the negligence on the part of the respondents. Except giving this liberty, no further order can be passed in this writ petition.

10. The writ petition is disposed of with the above observations. No costs. Consequently, connected miscellaneous petition is closed.

NCC:yes/no
Index:yes/no
Internet:yes/no
am

08.12.2023



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To

The Chairman Cum Managing Director,
TANGEDCO Limited (TNEB),
No.744, Anna Salai,
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N.ANAND VENKATESH, J.

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