



W.P(MD)No.1494 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1494 of 2015

1.T.Lakshmi

2.Petchiammal

3.Minor Ramalakshmi

4.Minor Mandiram

... Petitioners

(Minor Petitioners 3 and 4 are represented through their Mother and Guardian, the 1st petitioner herein.)

Vs.

1.Government of Tamilnadu,
Rep by its Secretary,
Electricity Department,
Fort St. George, Chennai - 9.

2.Tamilnadu Electricity Board,
Rep by its Chairman,
Anna Salai, Chennai - 2.

3.The District Collector,
Thoothukudi District,
Thoothukudi.

4.The Superintending Engineer,
Tamilnadu Electricity Board,



W.P(MD)No.1494 of 2015

Thoothukudi District,
Thoothukudi.

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5.The Executive Engineer (Distribution),
Tamilnadu Electricity Board,
Tiruchendur,
Thoothukudi District.

6.The Assistant Executive Engineer,
(Distribution)
Tamilnadu Electricity Board,
Nazareth, Thoothukudi District.

... Respondents

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 a compensation of Rs,11,80,000/- (Eleven Lacs and Eighty Thousand) with interest to the petitioners for the death of the first petitioner's husband and father of other petitioners namely Petchimuthu, due to electrocution on 11.04.2008 at Thirukalur, Thenakulam, Alwar Thirunagari (via), Thoothukudi District.

For Petitioners : Mr.S.R.Anbarasu

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 & R3.
Mr.S.Dheenadhayalan,
Standing Counsel for R2 & R4 to R6.

ORDER

Heard the learned counsel on either side.



W.P(MD)No.1494 of 2015

2.The first petitioner's husband / Petchimuthu was eking out his livelihood as agricultural coolie. On 11.04.2008, he came in contact with live electric wire while crossing the field of one Pal Nadar and died on the spot. In this regard, Crime No.36 of 2008 was registered on the file of the Inspector of Police, Awlarthirunagari Police Station, Thoothukudi District. The first petitioner is having three children born through the said Petchimuthu. Since the petitions submitted by the first petitioner for compensation did not yield any response, the present writ petition came to be filed.

3.The learned counsel for the petitioners 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.The respondents 2 to 6 have filed counter affidavit and the learned standing counsel took me through its contents. The contention of the learned Additional Government Pleader as well as the learned standing counsel is that the first petitioner's husband appears to have meddled with the overhanging GI wire leading towards the pump set of



W.P(MD)No.1494 of 2015

one Pal Nadar and that is how, he suffered electrocution. He drew my attention to the contents of the postmortem certificate. It is seen that the deceased had suffered burn injury in his fingers. The learned standing counsel would therefore argue that the corporation is not to be blamed for the tragic occurrence. If at all, the petitioners have to proceed against the said Pal Nadar. They called upon this Court to exonerate the respondents from all liabilities. They pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through materials on record. The stand of the respondents is that Petchimuthu, the husband of the first petitioner and the father of other petitioners had come in contact with the overhead GI wire in LT service 371-014-586 belonging to one Pal Ndar. The consumer was expected to maintain the service connection in proper condition. It is quite possible that the wire had snapped and the said Petchimuthu had come in contact with the same.



W.P(MD)No.1494 of 2015

6.From the averments set out in the rival pleadings, I am not able to come to any definite conclusion as to whether the deceased accidentally came in contact with a snapped wire or the occurrence took place because he had voluntarily carried out some acts. In order to meet such eventualities, TANGEDCO had issued proceedings providing for payment of a certain sum towards no fault liability. Originally, the sum awarded was Rs.2 Lakhs for fatal cases. Subsequently, it has been enhanced to Rs.5 Lakhs. Though the occurrence took place in the year 2008, I am of the view that the petitioners are entitled to the benefit of the subsequently issued proceedings. I direct the respondents 2 and 4 to 6 to pay a sum of R.5,00,000/- to the first petitioner herein within a period of ten weeks from the date of receipt of a copy of this order. This amount will carry interest at the rate of 6% per annum from the date of filing of this writ petition.

7.This writ petition is allowed on these terms. No costs.

13.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.1494 of 2015

G.R.SWAMINATHAN, J.

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To:-

- 1.The Secretary,
Electricity Department,
Fort St. George, Chennai - 9.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.

W.P(MD)No.1494 of 2015

13.09.2023