



W.P.(MD)No.6810 of 2014

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

DATED :15.02.2023

CORAM

**THE HONOURABLE MR.JUSTICE K. KUMARESH BABU**

W.P.(MD)No.6810 of 2014

N.Pandi

... Petitioner

Vs.

1.The Government of Tamil Nadu,  
Rep by its Secretary to Government,  
Electricity Department,  
Fort St. George,  
Chennai.

2.The Chairman,  
Tamil Nadu Electricity Board,  
Anna Salai,  
Chennai.

3.The Chief Engineer,  
Tamil Nadu Electricity Board,  
Madurai.

4.The Superintending Engineer,  
Tamil Nadu Electricity Board,  
Madurai.

5.The Assistant Engineer,  
Tamil Nadu Electricity Board,  
Anuppanadi (Sub Station),  
Madurai.

... Respondents



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**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus, directing the respondents herein to pay compensation of Rs.10,00,000/- to the petitioner.

For Petitioner :Mr.T.Selvakumaran

For Respondents :Mr.M.Prakash  
Additional Government Pleader for R1

:Mr.S.Deenadhayalan  
Standing Counsel for R2 to R5

### **ORDER**

This writ petition has been filed seeking for a mandamus to direct the respondents herein to pay a compensation of Rs.10,00,000/- for the death of the petitioner's daughter.

2. The learned counsel for the petitioner would submit that the petitioner's daughter Pandiselvi was studying in seventh standard at Arulmighu Meenakshi Sundareswarar Girls Higher Secondary School, Madurai. On 25.08.2005, at about 05.30 p.m., in the evening, when she was waiting at the Thiyyagaraj College bus stop, the electric line connected from



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the A/8 electric pole installed at the said bus stop has fallen down and the petitioner's daughter came in connection with the live electric line and as a result of which, she died on the spot. A case in crime No.1381 of 2005 has also been registered at the Theppakulam Police Station. Thereafter, the petitioner has sent a representation to the respondents on 05.04.2006, seeking for compensation, which has been given by the petitioner. Again on 22.11.2012, he had sent a further representation claiming compensation for a sum of Rs.10,00,000/-, which has also not been disbursed. Further, he would submit that the incident would not be happened, if the respondents have maintained the electric pole in a proper condition. Hence, they are liable to pay the compensation as prayed for.

3. Countering his arguments, the learned Standing Counsel appearing for the respondents 2 to 5 would submit that on that day, there was a heavy rain. Due to which, the guy shackle was broken and supply passed through the stay wire. The wire was not cut and fallen down on the ground or water as alleged in the writ petition. Only, because of heavy rain and wind, the guy shackle had broken and the stay wire was energized. The



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accident had occurred on 25.08.2005, but the petitioner has preferred this writ petition only on 17.04.2014 after a lapse of 9 years. Hence, he prays to reject this writ petition.

4. I have considered the rival submissions made on either side.

5. It is an admitted fact that for the petitioner's daughter had died due to electrocution. The reasons given by the respondents is that the guy shackle had broken, in view of the heavy rain and wind, which had energized the stay wire. It is the duty and responsibility of the Electricity Board to maintain the equipment in good order, that too when it is expected during the monsoon season, such accident will be occur. Be that as it may, the Electricity Board in its proceedings No.6, dated 06.10.2019, had made modification of the earlier Board Proceedings, dated 29.04.2013 on compassionate ground, decided to make ex-gratia payment to the individuals, who had died due to the electrocution and had fixed the compensation at Rs.5,00,000/-.



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6. In view of the aforesaid Board Proceedings, I direct the second respondent to pay a sum of Rs.5,00,000/- to the petitioner as compensation within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the aforesaid direction, this writ petition stands disposed of. There shall be no order as to costs.

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Index : Yes / No  
Speaking Order/Non Speaking Order  
*sbm*



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**K.KUMARESH BABU, J.**

*sbn*

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