



W.P(MD)No.18195 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18195 of 2015

Rajeswaran

... Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamilnadu,
Electricity Department,
Secretariat,
Fort St.George,
Chennai-9.

2.The Principal Secretary to Government,
Government of Tamilnadu,
Municipal Administration and Water Supply Department,
Secretariat,
Fort St.George,
Chennai-9.

3.The Superintending Engineer,
TANGEDCO,
Office of the Superintending Engineer,
Collector Office Campus,
Sivagangai District.

4.The Commissioner,
Sivagangai Municipality,
Sivagangai Thondi Road,
Sivagangai.

... 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, to direct the Respondents to pay adequate amount of compensation for the death of petitioner's mother by name Mariammal Wife of Mageshwaran due to negligence on the part of the Respondents.

For Petitioner : Mr.S.Malaikani

For Respondent : Mr.S.RA.Ramachandran
Additional Government Pleader for R1 & R2

: Mr.J.Parekhkumar for R4

: Mr.S.Dheenadhayalan for R3

ORDER

Heard the learned counsel on either side.

2. The petitioner's mother was engaged in a construction work. The building was being unauthorizedly put up. The construction had come up quite close to the electric wires that were running above. The building was constructed by one Murugan. The petitioner's mother accidentally came in contact with the live wire on 24.06.2012 and she died on the spot. Crime No. 714 of 2012 was registered on the file of the Sivagangai Town Police Station. The petitioner wants the respondents to compensate him.



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3. As rightly pointed out by the learned Additional Government Pleader appearing for the Government as well as the learned standing counsel for TANGEDCO as well as the learned standing counsel for Sivagangai Municipality, the respondents are not at fault. If one Murugan had unauthorizedly put up construction, the petitioner has to proceed only against the said Murugan. In the affidavit filed in support of the writ petition, it has been averred as if the respondents has allowed the construction to come up. No such proceedings issued by the municipality has been enclosed in the typed set of papers. For the illegal act committed by the private individual and for the unfortunate consequence ensuing therefrom, the authorities cannot be blamed.

4. Granting liberty to the petitioner to proceed against the land owner, the Writ Petition is disposed of. No costs.

07.09.2023

Index : Yes / No

Internet : Yes/ No

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To

1.The Principal Secretary to Government,
Government of Tamilnadu,
Electricity Department,
Secretariat,
Fort St.George,
Chennai-9.



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G.R.SWAMINATHAN, J.

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2.The Principal Secretary to Government,
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