



W.P.(MD)No.20921 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20921 of 2015

Thangapandi

... Petitioner

versus

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Electricity Department,
Secretariat, Chennai – 600 009.
2. The Superintending Engineer,
TANGEDCO,
Ramanathapuram District.
3. The Assistant Engineer,
TANGEDCO,
Kadaladi,
Ramanathapuram District.
4. Kshatriya Nadar Uravin Murai,
Rep. by its Secretary,
Kadaladi – 623 703,
Ramanathapuram District.
(R4 is impleaded vide order dated
10.04.2023 in W.M.P.(MD)No.5747 of 2023
in W.P.(MD)No.20921 of 2015)

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to pay compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs) to the petitioner for the loss of his son, namely, Dinesh Kumar, who died due to electrocution on 09.08.2015.

For Petitioner : Mr.R.Pon Karthikeyan

For R1 to R3 : Mr.S.Deenadhayalan,
Standing Counsel for TNEB

For R4 : Mr.K.Kumaravel

ORDER

This writ petition is filed for a mandamus, directing the respondents 1 and 2 to pay compensation of Rs.25,00,000/- to the petitioner for the death of his son, namely, Dinesh Kumar, due to electrocution on 09.08.2015.

2. The learned counsel appearing for the petitioner submits that the petitioner's younger son, Dinesh Kumar, aged about 16 years, while playing at the roof top in a building near Pathirakaliamman Temple,



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had contacted with a live wire of high tension electric wire running, above the said building and died due to electrocution. According to the learned counsel for the petitioner, the TANGEDCO has not maintained the electric lines in a proper manner and has not taken any safety measures that caused the death of petitioner's son Dinesh Kumar.

3. The learned Standing Counsel appearing for the respondents 1 to 3 submits that the occurrence had taken place in a private building, belonging to the 4th respondent and the said building is also an unauthorized construction and they have not effected any electricity service connection to that building. He further submits that the petitioner's son Dinesh Kumar, through a ladder, went to the roof top of the building and suffered the accident. Therefore, the TANGEDCO cannot be made liable for the said accident.

4. The learned counsel appearing for the 4th respondent seeks for a short accommodation for filing his counter affidavit.



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WEB COPY 5. This Court considered the rival submissions made.

6. The petitioner's son Dinesh Kumar, aged about 16 years, died due to electrocution. Therefore, he filed this writ petition seeking compensation for the death of his son. Admittedly, the occurrence had taken place in a private building belonging to the 4th respondent. The 4th respondent was impleaded as a party to the writ petition, vide order dated 10.04.2023.

7. The Electricity Board claims that there is no mistake on their part and they have not effected any electricity service connection to the building where the occurrence had taken place and therefore, they are not responsible for the said accident. If at all any liability ought to be fixed, the 4th respondent, who put up the construction, is liable to pay compensation.



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8. In view of the same, the petitioner can fix the liability only by filing a suit and this Court is not inclined to entertain this writ petition as against the 4th respondent. Accordingly, this writ petition is disposed of, by giving liberty to the petitioner to file a suit for compensation as against the 4th respondent before the concerned Civil Court and raise all the grounds before the Civil Court. If such a suit is filed, the concerned Civil Court shall entertain the suit without insisting on the limitation aspect. No costs.

02.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Secretary,
Electricity Department,
Secretariat, Chennai – 600 009.
2. The Superintending Engineer,
TANGEDCO,
Ramanathapuram District.



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B.PUGALENDHI, J.

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3. The Assistant Engineer,
TANGEDCO,
Kadaladi,
Ramanathapuram District.
4. The Secretary,
Kshatriya Nadar Uravin Murai,
Kadaladi – 623 703,
Ramanathapuram District.

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