



W.P(MD)No.23028 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23028 of 2022

Muthulakshmi

... Petitioner

Vs.

1.The Chief Engineer (TANGEDCO)

144, Anna Salai,
Chennai-600 002.

2.The Assistant Executive Engineer,

TANGEDCO,
Chinnakeeramangalam,
Ramanathapuram District.

3.The Assistant Engineer,

TANGEDCO,
Thiruvadanai,
Ramanathapuram District.

4.The Inspector of Police,

Thiruvadanai Taluk,
Ramnad District.
(R4 is suo motu impleaded vide order
dated 10.10.2023)

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the petitioner's representation dated 22.03.2022 requesting the 1st respondent to pay compensation for the death of the petitioner's husband due to electrocution within a time limit fixed by this Court.



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For Petitioner : Mr.P.T.S.Narendravasan

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

: Mr.A.Albert James
Government Advocate for R4

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband was grazing cattle in the village. On 07.05.2014, in order to feed the goats, he tried to pluck the leaves by using his billhook. The billhook came in contact with a live wire leading to his death due to electrocution. In this regard, Crime No.105 of 2014 was registered on the file of the Thiruvadanai Police Station. The petitioner seeks payment of compensation.

3. The learned counsel appearing for the petitioner 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. I *suo motu* impleaded the Inspector of Police, Thiruvadanai Police Station and called upon the learned Government Advocate to inform the Court



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as to the investigation conducted by the police. Today, when the matter was taken up for hearing, the learned Government Advocate submitted that on 08.05.2014, the case was closed as 'action dropped'.

5. The learned standing counsel appearing for TANGEDCO submitted that even according to the petitioner's version and also the police version, the occurrence would not have taken place, if the petitioner's husband had not attempted to cut and remove the leaves by using his billhook. According to him, TANGEDCO cannot be fastened with any liability. Since the deceased had died due to his own act, the writ petition deserves to be dismissed.

6. I carefully considered the rival contentions and went through the materials on record.

7. It is true that the petitioner's husband invited his own death. But then, the fact remains that the electric pole was found in a slanting position and the petitioner's husband did not notice the same. The police report mentions that the electric pole was in a dangerously slanting condition. While the contributory negligence may have to be attributed to the petitioner's husband, TANGEDCO cannot be absolved. It is their duty to ensure that the poles are in



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a proper condition. This duty was not discharged in this case. TANGEDCO has issued the proceedings for payment of a sum of Rs.2,00,000/-, even if there is no fault on their part. In this case, TANGEDCO was at fault to some extent. Therefore, the respondents are directed to pay a sum of Rs.2,00,000/- to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. This would carry interest at the rate of 6% per annum from the date of occurrence.

8. The Writ Petition is allowed accordingly. No costs.

31.10.2023

Index : Yes / No
Internet : Yes/ No
rmi
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G.R.SWAMINATHAN, J.

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