



W.P.(MD)No.21207 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.21207 of 2021
and
W.M.P.(MD).No.17788 of 2021

M.Devi

... Petitioner

Vs.

- 1.The Chairman,
Tamil Nadu Electricity Board,
Annasalai,
Chennai.
- 2.The Superintending Engineer,
Distribution Circle,
Tamil Nadu Electricity Board,
Pudhukottai,
Pudhukottai District.
- 3.The Assistant Executive Engineer,
Distribution Circle,
Tamil Nadu Electricity Board,
Alangudi,
Pudhukottai District.
- 4.The Assistant Engineer,
Distribution Circle,
Tamil Nadu Electricity Board,
Alangudi,
Pudhukottai District.



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5.Rengasamy

6.The Inspector of Police,
Alangudi Police Station,
Pudhukottai District.
(Crime No.398 of 2017)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay compensation in terms of money to the value of Rs.50,00,000/- (Rupees Fifty Lakhs only) to the petitioner and her minor children for the death of her husband namely Mr.Murugesan, S/o. Mr.Kulanthiaisamy dated 17.12.2017 at M.Rasiyamangalam, Alangudi Taluk, Pudhukottai District arising out of electrocution for the failure of statutory duty in following the safety measures and procedure contemplated for the maintenance of electricity lines and poles by the respondents.

For Petitioner : Mr.S.Palani Velayutham

For R-1 to R-4 : Mr.S.Deenadhayalan
Standing Counsel

For R-6 : Mr.R.Sivakumar
Government Advocate (Criminal Side)

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus directing the respondents to pay compensation to the petitioner and her minor



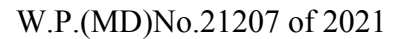
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children for the demise of the petitioner's husband due to electrocution which was caused on account of the negligence on the part of the Electricity Department.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned Standing counsel appearing on behalf of the respondents 1 to 4 and the learned Government Advocate (Criminal Side) appearing on behalf of the 6th respondent.

3. The case of the petitioner is that on 17.12.2017, her husband had gone near the fields for attending nature's call and at that point of time, he came in contact with the live wire and was electrocuted and he died in this incident. An FIR came to be registered in Crime No. 398 of 2017 under Section 174 of CRPC. According to the petitioner, the electrocution has taken place only on account of the negligence on the part of the Electricity Department and therefore, the petitioner has claimed compensation in this case.

4. It was brought to the notice of this Court that the fifth respondent had illegally erected electric fencing around his lands and the petitioner's husband had come in live contact with this fencing and died. The fifth respondent was



5. In view of the above, it is clear that the negligence was only on the part of the fifth respondent who had illegally erected electric wire fencing around his land and hence the Department cannot be made liable to pay any compensation to the petitioner.

6. In the light of the above discussion, the relief sought for by the petitioner in this Writ Petition cannot be granted by this Court. This Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

Nsr



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N.ANAND VENKATESH, J.

Nsr

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