



W.P.(MD).No.22669 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.22669 of 2021

and

W.M.P.(MD)No.6397 of 2021

E.Periyasamy

... Petitioner

Vs.

1.The Chairman/Managing Director,
Tamil Nadu Generation and Distribution
Corporation Limited,
10th Floor, NPKRR Malikai,
144, Mount Road (Anna Salai),
Chennai-600 002.

2.The District Collector,
District Collector Office,
Madurai District.

3.The Superintending Engineer,
Madurai Power Distribution Circle,
Tamil Nadu Generation and Distribution
Corporation Limited,
TNEB, K.Pudhur, Madurai.

4.The Executive Engineer,
Tamil Nadu Generation and Distribution
Corporation Limited,
TNEB, Usilampatti Taluk,
Madurai District.

... 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 a compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the petitioner within the stipulated time.

For Petitioner : Mr.S.Vijayashanthi

For R1, 3 and 4 : Mr.S.Deenadhayalan

For R2 : Mr.C.Baskaran
Government Advocate

ORDER

This writ petition has been filed seeking Writ of Mandamus, to direct the respondents to pay a compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the petitioner within the stipulated time.

2.The petitioner is an agricultural Cooli and have a son and a daughter. On 21.08.2021, around 06.00 AM while his son was going to the agricultural field had come in contact with the live electric wire which fell on the road which was not fixed properly in the electric post and was electrocuted.

3. The TANGEDCO has filed a counter affidavit stating that due to heavy rain and wind, the insulator on the LT line got snapped, hence, the line was



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hanging with low vertical clearance. The victim has touched the hanging electric line without seeing the live wire while going to their garden along with his grandmother and got electrocuted. The contention of the TANGEDCO is that due to heavy rain and wind the insulator got snapped and hence there is no fault on the part of TANGEDCO.

4. On perusal of the FIR, it is seen that the live wire was hanging and it has touched the ground. Whenever the live wire touches the ground, the supply through the wire would be disconnected. But in the present case, the supply was not disconnected, inspite of the wire touched the ground. Hence there is negligence on the part of the respondents.

5. As per the Board Proceedings of the respondents, for any fatal, the respondents will pay Rs.5,00,000/-, which is paid on fault liability. However, in the present case, since this Court has held there is negligence on the part of the respondents, hence this Court is fixing the liability on the respondents as Rs.10,00,000/-. Therefore, the respondents are directed to pay Rs.10,00,000/-. The said amount shall be paid within a period of four weeks from the date of



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receipt of a copy of this order. If the respondents are not paying the same within a period of four weeks from the date of receipt of a copy of this order, the amount shall carry interest at 6% per annum.

6. With the above said observation, the writ petition is disposed of. No costs.

24.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

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