



WP (MD) No.23991 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.23991 of 2016

1.P.Gnana Sekhar

2.Kamala

... Petitioners

Vs

1.The Chairman,
TANGEDCO Ltd,
No.144, Anna Salai,
Chennai.

2.The Superintending Engineer,
TANGEDCO Limited,
Parvathipuram,
Nagercoil,
Kanyakumari District.

3.The Junior Engineer,
TANGEDCO Limited,
Agasteeswaram Taluk,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondents to pay a sum of Rs.15,00,000/- as compensation for the death of the petitioner's son namely G.Aswin due to electrocution.



WP (MD) No.23991 of 2016

For petitioner : Mr.T.Arul
For Respondent : Mr.S.Deenadhayalan
No.1 Standing Counsel

ORDER

The petitioner's son died due to electrocution in the year 2015. The petitioner has filed this writ petition claiming compensation of Rs.15 Lakh for the death of his son.

2.The learned Counsel for the petitioner submits the petitioner's son died due to the act of the neighbour of the petitioner, who cut the tree, which fell on the electric live wire outside the road and consequently the electric wire fell on the petitioner's son and he succumbed.

3.The learned Counsel appearing for the respondent Board submits that though the respondent Board is not responsible for the death of the petitioners. However if this Court directs, the respondent Board would consider the case of the petitioner as per the Board Proceedings dated 16.10.2019.

2/5



WP(MD)No.23991 of 2016

4. In reply, the learned Counsel for the petitioner submits that the petitioner's son died at a young age and he was a bright student and if at the respondent Board grants compensation as per the Board Proceedings, Rs.5 Lakh would be granted, which is not appropriate and therefore, the petitioner may be granted liberty to approach the civil court and work out his remedy.

5. This Court considered the rival submissions and perused the materials placed on record.

6. The petitioner's son died due to electrocution on public road. Even assuming it is due to the negligence of the petitioner's neighbour or anybody else, the death has been caused due to the electrocution and therefore, the respondent Board is liable to pay compensation to the petitioner. Therefore, this Court directs the respondent Board to pay compensation of Rs.5 Lakh as per the Board proceedings dated 16.10.2019 within a period of two weeks from the date of receipt of a copy of this order. However, the petitioner is at liberty to approach the civil court if



WP(MD)No.23991 of 2016

he seeks more compensation. If any suit is filed by the petitioner before the civil Court, it shall exclude the period of the writ petition before this Court for calculating limitation period, if any.

7.This writ petition is disposed of on the above terms.

No costs.

27.06.2023

dsk

To

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WP (MD) No.23991 of 2016

B.PUGALENDHI, J.

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WP (MD) No.23991 of 2016

27.06.2023