



WP(MD)No.3036 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:14.02.2023

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD)No.3036 of 2016

Gurusamy

... Petitioner

Vs

1.The Secretary to Government,
Department of Electricity,
Secretariat,
Fort St. George,
Chennai - 9.

2.The Chairman,
Tamil Nadu Electricity Board,
Annasalai,
Chennai - 2.

3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Virudhunagar,
Virudhunagar District.

4.The Assistant Engineer,
Inspection and Maintenance Section,
Tamil Nadu Electricity Board,
Krishnapuram,
Rajapalayam Taluk,
Virudhunagar 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 the compensation and damages to the tune of Rs.20 lakh to



WP(MD)No.3036 of 2016

the petitioner for their act of negligence which resulted in the loss of the petitioner's son namely Kaliraj based on the petitioner's representation dated 29.11.2015 within a time frame as fixed by this Court.

For petitioner : Mr.B.Prahalad Ravi

For Respondent : Mr.A.Kannan,

No.1 Additional Government Pleader

For Respondent : Mr.S.Dheenadhayalan

Nos.2 to 4

ORDER

This writ petition is filed for a writ of mandamus directing the respondents to pay compensation and damages of a sum of Rs.20 Lakh for the death of the petitioner's son, based on the his representation dated 29.11.2015.

2.The learned Counsel for the petitioner submits that on 24.11.2015 the petitioner's son went to take bath in a well in his village and due to passing of electricity in the well he died of electrocution and therefore, the petitioner made a representation to the respondents seeking compensation of Rs.20 Lakh.



WP(MD)No.3036 of 2016

3.The grievance of the petitioner is that the petitioner's son died only because of the negligence on the part of respondents 3 and 4 in not maintaining the particular electrical pole and the electric line passing through it.

4.Though the petitioner has sought compensation of Rs.20 Lakh in this writ petition, at the time of hearing, the learned counsel appearing for the petitioner submits that the petitioner has confined his claim of compensation as per the order of TANGEDCO dated 16.10.2019. The TANGEDCO, by Proceedings No.6, dated 16.10.2019, enhanced ex-gratia payment payable on compassionate grounds in respect of Fatal / Non-Fatal accidents to human beings / animals with effect from 16.10.2019 and for fatal accident, the ex-gratia amount is enhanced from Rs.3 Lakh to Rs.5 Lakh. Though the accident took place in the year 2015, the Department has not paid the compensation amount to the petitioner and therefore, the petitioner was forced to file this writ petition and the same is also pending before



WP(MD)No.3036 of 2016

this Court for the past six years.

WEB COPY

5. Since the Department has not paid any compensation as per the procedures existed on the date of accident and though the respondent Board disputed the negligence, admittedly the petitioner's son died due to electrocution. Therefore, the writ petition is disposed of with a direction to the respondent Board to pay compensation as per TANGEDCO's Proceedings No.6 (Administrative Branch), dated 16.10.2019 within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

14.02.2023

dsk

To

4/6



WP(MD)No.3036 of 2016

WEB COPY

- 1.The Secretary to Government,
Department of Electricity,
Secretariat,
Fort St. George,
Chennai - 9.
- 2.The Chairman,
Tamil Nadu Electricity Board,
Annasalai,
Chennai - 2.
- 3.The Superintending Engineer,
Tamil Nadu Electricity Board,
Virudhunagar,
Virudhunagar District.
- 4.The Assistant Engineer,
Inspection and Maintenance Section,
Tamil Nadu Electricity Board,
Krishnapuram,
Rajapalayam Taluk,
Virudhunagar District



WEB COPY



WP(MD)No.3036 of 2016

B. PUGALENDHI , J .

dsk

WP (MD) No. 3036 of 2016

14.02.2023