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W.P.(MD)NO.4992 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4992 of 2016

1. Muthayee
2. R.Manickam ... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
Anna Salai,
Chennai – 600 002.

2. The Superintending Engineer,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
District Collector Office Campus,
Sivagangai – 623 562.

3. The Executive Engineer,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
Sivagangai – 623 562.

4. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation
(TANGEDCO),
Madagupatti,
Sivagangai District.

5. The Inspector of Police,
Madagupatti,
Sivagangai District.
(R-5 is suo motu impleaded
vide order dated 13.06.2023)

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to pay compensation for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with interest from 06.08.2014 to the petitioner for the death of the father of the 2nd petitioner and husband of the 1st petitioner namely, Raman who died due to electrocution on 06.08.2014 due to the negligence on the part of the respondents herein.

For Petitioner : Mr.K.Hemakarthiskeyan
For R-1 to R-4 : Mr.S.Deenadhayalan,
Standing Counsel.
For R-5 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. On 06.08.2014, the husband of the first petitioner Raman went out to graze his goats. He was found dead. In this regard, crime No.180 of 2014 was registered on the file of Madagupatti police station under Section 174 Cr.P.C. The action was subsequently dropped. However, a firm statement



was made before this Court based on the postmortem report that the death was due to electrocution. However, the petitioners are not able to come out with any clear version or sequence of events. Unless this Court can fasten liability on the officials, it would not be justified in directing the payment of compensation. However, TANGEDCO had issued proceedings providing for disbursement of ex gratia payment of Rs.2 Lakhs even in case of no-fault liability. In the present case, death was due to electrocution.

3. Invoking the aforesaid proceedings bearing No.6, dated 16.10.2019, I direct the second respondent to pay a sum of Rs.2 Lakhs to the first petitioner herein. The said amount shall be paid by the second respondent within a period of twelve weeks from the date of receipt of a copy of this order. If the second respondent fails to pay a sum of Rs.2 Lakhs within the aforesaid period, it will carry interest from the date of filing of this petition. This writ petition stands allowed. No costs.

26.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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G.R.SWAMINATHAN,J.

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