



W.P(MD)No.7369 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.7369 of 2016

Mala

... Petitioner

Vs

1.The Superintending Engineer,
TANGEDCO,
K.Pudur,
Madurai District.

2.The Assistant Executive Engineer,
TANGEDCO,
Melur, Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.10,00,000/- (Ten Lakhs) to the petitioner for the death of her husband namely Arunachalam caused due to the negligence of the respondents.

For Petitioner : Mr.K.Viralinathan
For Respondents : Mr.S.Deenadayalan
Standing Counsel



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ORDER

The petitioner has filed this writ petition to direct the respondents to pay compensation of Rs.10,00,000/- to the petitioner for the death of her husband due to electrocution.

2.The learned counsel appearing for the petitioner submits that when the petitioner's husband went to his agricultural land on 06.12.2015, he got electrocuted due to heavy rain and died. The death of the petitioner's husband was due to the discharge of electricity on the stagnated water from the electric pole in his land. Post mortem Certificate also reveals that the petitioner's husband died due to electrocution. The petitioner has made a representation to the respondent TANGEDCO on 07.03.2016. However, the respondents have not considered the same. Hence, this writ petition.

3.A counter affidavit has been filed by the respondent Board stating that a free agricultural service connection in SC No.



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564 has been granted to the petitioner. However, the consumer has not maintained the service connection in a proper manner and drawn electric line in the ground, which caused the accident. This line was maintained by the brother of the deceased. Since the accident has taken place due to the negligence of the deceased and his brother in maintaining the electric line, the respondent TANGEDCO is not liable to pay any compensation to the petitioner.

4.This Court considered the rival submissions made.

5.As per the available records, it appears that the petitioner's husband died due to electrocution, while standing in his agricultural land after rain and the electric lines have not been properly maintained by the respondent TANGEDCO. It appears that the electric line, which was passing through was without any safety and protection.



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6.In view of the above, this writ petition is disposed of with a direction to the first respondent to consider the case of the petitioner, in accordance with the resolution passed by the TANGEDCO in (Per.)(FB) TANGEDCO Proceeding No.6, dated, 16.10.2019. No costs.

05.10.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn

To

- 1.The Superintending Engineer,
TANGEDCO,
K.Pudur,
Madurai District.
- 2.The Assistant Executive Engineer,
TANGEDCO,
Melur, Madurai District.



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B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.7369 of 2016

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