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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.1242 of 2024

Mr.Arikrishnan

.. Petitioner

-VS-

1.The District Collector,
Villupuram District,
Villupuram.

2.Tamil Nadu Electricity Board,
230 KVSS Quarters Complex,
Gingee Road, Agaram Post,
Vikravandi Taluk,
Villupuram.

3.Saravanan

4.Balu

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 12.10.2023



and dispose the same after giving adequate opportunity of hearing to the petitioner.

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For Petitioner : Ms.P.Priscilla Carolyn
For Respondent-1 : Mr.Vadivelu Deenadayalan,
Additional Government Pleader.
For Respondent-2 : Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO.

ORDER

The Writ of Mandamus has been instituted to direct the first respondent to consider the representation of the petitioner dated 12.10.2023 and dispose the same after giving adequate opportunity of hearing to the petitioner.

2. The representation submitted by the petitioner on 12.10.2023 would reveal that the son of the petitioner one Mr.Vishnupathy died due to electrocution. The First Information Report filed by the police dated 21.06.2023 also states that the information was provided to the Authorities of the TANGEDCO, who in turn has not taken any steps to replace the live wire. When the son of the petitioner proceeded to his agricultural land without noticing the live electricity wire, touched the same and succumbed to death.



3. The learned counsel for the petitioner would submit that the representation submitted by the petitioner to grant compensation has not been considered by the respondent-TANGEDCO and therefore, the present writ petition has been filed.

4. The learned Standing Counsel, appearing on behalf of the respondent-TANGEDCO, would oppose the contentions raised on behalf of the petitioner by stating that there was no negligence on the part of the respondent-TANGEDCO. Further the respondent-TANGEDCO has not received any complaint regarding the live wire, which was lying in the agricultural land of the petitioner. In the absence of any such negligence, the respondent-TANGEDCO is not liable to pay any compensation to the petitioner.

5. This Court is of the considered opinion that even in the absence of negligence on the part of the respondent-TANGEDCO, the death caused to the petitioner due to electrocution has been identified. Thus, the respondent-TANGEDCO is liable to pay compensation as per TANGEDCO proceedings No.68, Administrative Branch, dated 14.11.2019.



6. Once the death caused to victims due to electrocution is informed to the respondent-TANGEDCO, the respondent-TANGEDCO has to settle the compensation immediately to the victims. Regarding the negligence or fault, on the part of respondent-TANGEDCO, the victim is at liberty to approach the Civil Court seeking enhancement of compensation or otherwise. As far as the compensation fixed by the respondent-TANGEDCO is concerned, the said compensation is to be settled immediately on the death of a person due to electrocution.

7. In the present case, there was no dispute regarding the death caused to the son of the petitioner due to electrocution. Therefore, the petitioner is entitled for the compensation as per the respondent-TANGEDCO proceedings No.68, Administrative Branch, dated 14.11.2019.

8. Though the relief sought for in the present writ petition is to consider the representation submitted by the petitioner on 12.10.2023, merely issuing directions to consider the representation would do no service to the cause of justice. Contrarily, the litigant has to come again by



approaching this Court by filing another writ petition and victim of this nature if frequently dragged, the same will result in hardship. Thus this Court is inclined to mould the relief.

9. Accordingly, the first respondent is directed to settle the sum of Rs.5 lakhs towards compensation as per TANGEDCO proceedings No.68, Administrative Branch, dated 14.11.2019 to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

10. With the above directions, the present writ petition stands allowed. However, there shall be no order as to costs.

22-01-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

S.M.SUBRAMANIAM, J.

Svn



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To

1. The District Collector,
Villupuram District,
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2. Tamil Nadu Electricity Board,
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