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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3897 of 2021

M.Balaji

... Petitioner

Vs.

1. State of Tamil Nadu, Represented by its Secretary,
Department of Energy, Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.

2. Tamil Nadu Electricity Board,
Represented by its Chairman,
Head Office, No.825, Link Road,
Anna Salai, Triplicane, Chennai – 600 002.

3. The Superintending Engineer,
Vellore Electricity Distribution Circle,
Tamil Nadu Electricity Board,
Kamarajar Mahal, Gandhi Nagar,
Katpadi, Vellore District – 631 006.

4. The Junior Engineer,
Tamil Nadu Electricity Board,
SH 61, Winterpet, Arakkonam – 631 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the petitioner a sum of Rupees Fifty Laksh as compensation for the death of his son,



B.Dhinesh.

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For Petitioner : Mrs.Ramapriya Gopalakrishnan
For R1 : Mrs.P.Vijaya Devi,
Government Advocate
For R2 to R4 : Mr.S.Madhusudanan,
Standing Counsel for TANGEDCO

ORDER

The Writ of Mandamus has been instituted to direct the respondents to pay the petitioner a sum of Rupees Fifty Laksh as compensation for the death of his son, B.Dhinesh.

2. On 09.05.2019, in the evening, the upper portion of the house opposite to the house of the petitioner got fire pursuant to the repair of the Transformer at Rajaveedhi Street. The fire service personnel came and put out the fire. The son of the petitioner/Dhinesh and other children were playing outside the House. While running along with other children, the son of the petitioner/Dhinesh came into contact with the service wire just outside the house of the petitioner at 424, Rajaveedhi Street. Instantly he was electrocuted and the people standing there was unable to remove his



hands and body from the pole. The said boy, who was aged about 4 years was taken to the Government Hospital at Arakkonam and subsequently, he died.

3. Death due to electrocution is not disputed by the respondents. As per the Board proceedings issued in TANGEDCO Proceedings No.6 dated 16.10.2019, for vital accidents, a compensation of Rs.5,00,000/- has been fixed. Further the said compensation has been fixed by the Board on compassionate grounds in respect of fatal accidents to human beings. Though in the present case, the accident occurred on 09.05.2019 prior to the issuance of the Board Proceedings, this Court is inclined to grant the enhanced compensation of Rs.5,00,000/- to the petitioner, since the boy died was aged about 4 years and adequate protection was not provided in that locality. The boy while playing with other children accidentally came into contact with the service wire and taking note of this fact, this Court is of the opinion that the enhanced compensation of Rs.5,00,000/- is to be settled.

4. The compensation of Rs.5,00,000/- granted by this Court based on



the Board proceedings would not be a bar for the petitioner to seek enhancement of compensation by proving negligence on the part of the Board authorities by approaching the competent Civil Court of law.

5. In view of the facts and circumstances, the respondents are directed to settle a sum of Rs.5,00,000/- along with interest at the rate of 6% per annum from the date of death till the payment within a period of eight weeks from the date of receipt of a copy of this order.

6. With these directions, the Writ Petition stands allowed.

No costs.

08.02.2024

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

1. The Secretary to Government of Tamil Nadu,
Department of Energy, Government of Tamil Nadu,
Fort St. George, Chennai – 600 009.
2. The Chairman, Tamil Nadu Electricity Board,
Head Office, No.825, Link Road,
Anna Salai, Triplicane, Chennai – 600 002.



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3. The Superintending Engineer,
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4. The Junior Engineer,
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S.M.SUBRAMANIAM, J.

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