



WEB COPY



W.P.No.10402 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.10402 of 2021

Kuppu

.... Petitioner

Vs

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai,
Chennai – 2.

2. The Chief Superintendent Engineer,
Tamil Nadu Electricity Board,
Villupuram,
Villupuram District.

3. The Superintendent Engineer,
Tamil Nadu Electricity Board,
Kallakurichi,
Villupuram District.

4. The Assistant Engineer,
Tamil Nadu Electricity Board,
Thirukkoyilur Taluk,
Villupuram District.

5. Sivalingam

.... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents to pay a compensation of Rs.30,00,000/-



For Petitioner : Mr.Ali Hassan Khan
For R1 to R4 : M/s.Danial Mary
For R5 : Mr.S.Saravana Kumar

ORDER

This Writ Petition has been filed for a direction directing the respondents to pay a sum of Rs.30,00,000/- as compensation.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. On 30.07.2020, when the petitioner's husband after grazing his goats, while keeping them in the shutter, got electrocuted and died on the spot. The fifth respondent had stolen electricity power and installed the electrical fencing to protect his crop from the animals illegally and without any permission from the respondents 1 to 4. Without knowing the electrical fencing, the petitioner's husband touched the line wire and got electrocuted and died on the spot.

4. On the complaint lodged by the petitioner, the Inspector of Police, Varanjaram Police Station, registered an FIR in Crime No. 634 of 2020 for the offences under Section 304 (2) of IPC as against the fifth respondent herein. The fifth respondent was arrested and remanded to judicial custody.



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5. Admittedly, it is the case of the electrical theft by the fifth respondent, who had put up electrical fencing for his agricultural land to protect his crops from animals. Therefore, the accident did not happen due to the negligence on the part of the respondents 1 to 4 herein. It happened because of the illegal electrical fencing put up by the fifth respondent. Therefore, the respondents 1 to 4 are not liable to pay any compensation to the petitioner. But the fifth respondent is liable for the death of the petitioner's husband.

6. Therefore, the prayer sought for in this writ petition cannot be decided, since the dispute is mixed question of facts. Therefore, the petitioner is at liberty to approach the concerned forum seeking compensation as against the fifth respondent in the manner known to law.

7. With the above direction, this writ petition stands disposed of. No costs.

12.06.2024

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



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G.K.ILANTHIRAIYAN, J.

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