



WEB COPY

WP No.6856 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-01-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.6856 of 2020

- 1.S.Evulia
- 2.S.Uma
- 3.S.Lakshmi
- 4.S.Sathish Kumar
- 5.S.Hari
- 6.S.Kavitha
- 7.S.Mahalakshmi

.. Petitioners

-VS-

- 1.The Government of Tamil Nadu,
Represented by its Chief Secretary to the Government,
Secretariat,
Fort St. George,
Chennai-9.
- 2.Tamil Nadu Electricity Board,
Represented by its Chairman,
Anna Salai,
Chennai-2.
- 3.The District Collector,
Kanchipuram District,
Kanchipuram.



4.The Executive Engineer (O&M),
Tamil Nadu Electricity Board,
Sholinganallur,
Kancheepuram District.

5.The District Collector,
Villupuram District,
Villupuram.

6.The Commissioner,
Greater Corporation of Chennai,
Rippon Building,
Chennai-03.

7.Zonal Officer-Zone-XV,
No.120, Rajiv Gandhi Salai,
Old Mahabalipuram Road,
Sholinganallur,
Chennai-600 119.

[R-6 and R-7 are impleaded vide order
of Court dated 02.01.2024 made in WMP
No.19167 of 2023 in WP No.6856 of
2020]

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India
praying for the issuance of Mandamus to direct the respondents to pay
compensation to the tune of Rs.20,00,000/- towards the death of one late
B.Sekar, the husband of the first petitioner and the father of the petitioners 2
to 7, which was caused by Electrocutation due to the negligence of the
respondents.



For Petitioners : Mr.P.G.Thiyagu
For Respondents-1, 3 and 5 : Mr.G.Krishna Raja,
Additional Government Pleader.
For Respondents-6 and 7 : No Appearance

ORDER

The Writ of Mandamus has been instituted directing the respondents to pay a sum of Rs.20 lakhs towards death of one late Mr.B.Sekar, the husband of the first petitioner and the father of the petitioners 2 to 7.

2. The first petitioner wife of late Mr.B.Sekar states that her husband was the sole breadwinner of the family. Unfortunately, he died on account of electrocution on 22.08.2018 at Third Main Road, Alamelumangalapuram, Chennai-600 119.

3. The incident of electrocution has not been disputed by the Tamil Nadu Electricity Board, but the learned counsel for the TANGEDCO



would submit that the electrocution occurred on account of the negligence committed by the Private Contractor and not at the instance of the TANGEDCO. Thus the TANGEDCO is not liable to pay compensation to the petitioners.

4. The First Information Report (FIR) in Crime No.827 of 2018 would reveal that the accident occurred on 22.08.2018 at about 05.00 P.M., at Alamelumangalapuram, Third Main Road opposite to Nest Von-10 Apartment.

5. It is made clear that the street light was available on the Third Main Road, Alamelumangalapuram and the husband of the first petitioner died on account of electrocution.

6. When the TANGEDCO has not disputed the accident and the death of the deceased Mr.B.Sekar on account of electrocution. Even if the TANGEDCO states that the negligence was on the part of the Private Contractor, who was constructing apartments nearby, this Court is of the considered opinion that the died victim cannot be denied compensation. In



such circumstances, the TANGEDCO at the instance, has to pay the admitted compensation as per the Board proceedings and recover the same by establishing the negligence or violation of conditions, if any, from the private contractor, while maintaining the electric wire or poles in that location.

7. The learned Standing Counsel appearing on behalf of the TANGEDCO would further submit that as per the Board proceedings, the petitioners would be eligible to claim a sum of Rs.2 lakhs towards compensation. But, the learned counsel for the petitioners would oppose the said contentions raised on behalf of the TANGEDCO by stating that the deceased was the only breadwinner of the family and the first petitioner is the wife and the petitioners 2 to 7 are the daughters and sons of the deceased.

8. Considering the plight of the family and considering the fact that the first petitioner has to maintain her six children, this Court is of the considered opinion that the revised compensation as per the Board proceedings i.e., a sum of Rs.5 lakhs is to be paid by the TANGEDCO.



Though the Board proceedings enhancing the compensation from Rs.2 lakhs to Rs.5 lakhs may not be strictly applicable to the case on hand in view of the date of accident, this Court is inclined to adapt the new Board proceedings considering the plight of the family and applying the principles of equity and more-so the present writ petition is pending for the past about three years.

9. This Court by considering the mitigating facts and circumstances and by considering the penurious circumstances of the family of the deceased person, who died on account of electrocution, direct the respondent-TANGEDCO to pay a sum of Rs.5 lakhs along with interest at the rate of 6% per annum from the date of death till the date of payment, within a period of eight weeks from the date of receipt of a copy of this order. After paying the said compensation, the respondent-TANGEDCO is at liberty to prosecute the persons, who have committed any such negligence or violated Rules and Regulations, while maintaining the Electricity Service Connections in their premises. The petitioners are at liberty to approach the Competent Civil Court of Law for enhancement of compensation, if any, for which they are legally entitled.



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

11-01-2024

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

To

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- 2.Tamil Nadu Electricity Board,
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- 3.The District Collector,
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- 4.The Executive Engineer (O&M),
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S.M.SUBRAMANIAM, J.

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