



W.P.No.16892 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.16892 of 2021
and W.M.P.No.17874 of 2021

G.Sasikala

...Petitioner

-Vs -

1. The Tamil Nadu Generation and
Distribution Corporation Ltd.,
Rep. by its Managing Director,
NPKRR Maaligai,
No.144, Anna Salai,
Chennai – 600 002.

2. The Superintendent Engineer – Chengalpet,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
No.130, G.S.T. Road,
Chengalpattu – 603 001.

3. The Assistant Engineer/O & M,
Tamil Nadu Generation and Distribution
Corporation Ltd.,
Karasangal, No.1/199,
Second Street, Anna Nagar,
Padappai – 601 301.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to pay



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the petitioner a sum of Rs.20,00,000/- towards the compensation with 18% interest from the date of the accident till the date of realization for the death of her husband who died on 08.03.2020 on account of electrocution by considering the petitioner's representation dated 07.10.2020 to the first respondent within a time frame as fixed by this Court.

For Petitioner : Mr.V.Govardhanan

For Respondents : Mr.L.Jaivenkatesh
Standing Counsel

ORDER

This writ petition has been filed for direction directing the respondents to pay a sum of Rs.20,00,000/- towards compensation with 18% interest for the death of the petitioner's husband due to electrocution on 08.03.2020.

2. The petitioner's husband is an agriculturalist and on 08.03.2020, when her husband went to the agricultural field for watering the crops, he got electrocuted by the live wire which was lying on the field and he died due to electrocution on the spot. Immediately, complaint was lodged and the same has been registered in Crime No.38 of 2020 on 08.03.2020 under Section 174 of Cr.P.C. On the same day, the post



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mortem was conducted and the cause of death only due to electrocution.

The electrocution was occurred only due to the negligence of the respondent and as such the petitioner sought for compensation. In support of the petitioner's case, the learned counsel appearing for the petitioner relied upon the judgment of the Madurai Bench of this Court in ***W.P.(MD).No.15166 of 2020*** dated ***02.11.2020***, in the case of ***G.Sendhattikalaipandian Vs. The Inspector of Police and anr*** in which this Court granted compensation by applying multiplier method.

3. The third respondent filed counter and the learned counsel appearing for the respondents submitted that the FIR was not registered as against the respondents and electrocution was not occurred due to the negligence on the part of the respondents. The low tension service wire provided to the petitioner's village which was burned and cut itself in the early morning and the same was not informed to the respondents by any one. Therefore, the respondents could not be able to act accordingly to stop the electricity supply. Therefore, the petitioner is not entitled for any compensation by way of multiplier such as motor accident claim. However, the petitioner is entitled for compensation for fatal as per the TANGEDCO Board proceedings No.6 dated 16.10.2019 to the tune of



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Rs.5 lakhs. In view of the interim order passed by this Court, the respondents already paid a sum of Rs.3 lakhs as interim compensation on 07.10.2021 by way of cheque. It was duly encashed by the petitioner. Further she submitted that when there is no clear findings on whose negligence the petitioner's husband died, it has to be borne into by way of full fledged trial by the civil Court in order to decide the question of negligence to determine the compensation.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. Admittedly, though FIR has been registered on the demise of the petitioner's husband, no negligence foisted on the part of the respondents. Therefore, it was registered only under Section 174 of Cr.P.C., and no charge sheet has been laid as against the respondents for the offence of negligence. It is true that when the petitioner's husband went to agricultural land to irrigate the land, he touched live electric wire which was lying on the agricultural field. Therefore, under Article 226 of the Constitution of India, this Court cannot fix liability on the part of the respondents and also give compensation by applying multiplier method.



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This Court can exercise jurisdiction to award compensation in cases where the negligence is on the face of it or is not disputed or denied by the other side and not in every case, otherwise this Court would convert itself into a civil Court to examine and decide the question of fact, which may be of negligence or determination of compensation.

6. The respondents specifically denied the negligence on their part due to which the petitioner's husband electrocuted and died. While it being so, the compensation cannot be awarded by applying multiplier method on the demise of the petitioner's husband. However, the petitioner is entitled for compensation as per the TANGEDCO Board proceedings No.6 dated 16.08.2019 to the tune of Rs.5,00,000/-. Already the petitioner received a sum of Rs.3,00,000/- as interim compensation as awarded by this Court as interim order. Therefore, the respondents are directed to pay the remaining amount of Rs.2,00,000/- (Rupees two lakhs only) as per the TANEDCO Board proceedings No.6 dated 16.08.2019, forthwith in favour of the petitioner. However, the petitioner is at liberty to approach the Court concerned seeking compensation on the demise of her husband due to electrocution. It is also made clear that the observations made by this Court may not influence the civil Court while



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deciding the compensation. Further the pendency period of this writ petition before this Court may be excluded to file civil suit seeking compensation while calculating limitation.

7. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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To
WEB COPY

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