



WEB COPY

WP No.17125 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-01-2024

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THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.17125 of 2020
And
WMP No.21188 of 2020**

Mrs.Preethi

.. Petitioner

-VS-

1.The District Collector,
Tiruvannamalai District.

2.The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kalambur Post,
Polur Taluk,
Tiruvannamalai District.

3.The Junior Engineer,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kalambur Post,
Polur Taluk,
Tiruvannamalai District.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to award the compensation as may be fixed by this Court to the petitioner's son from the electrocution of floating live cable wires from the transformer maintained by the TANGEDCO due to their negligence on the basis of the petitioner's representation dated 19.03.2020.

For Petitioner : Mr.T.Arockia Dass

For Respondent-1 : Mr.P.Bala Thandayutham,
Special Government Pleader.

For Respondents-2 and 3: Ms.Daniel Mary,
Standing Counsel for TANGEDCO.

ORDER

The Writ of Mandamus has been instituted to award compensation as may be fixed by this Court for the petitioner's son for electrocution.

2. The petitioner states that her elder son Rithish Raghavan



played near their house along with other kids. On 02.01.2020, at about 09.00 A.M., the son of the petitioner Rithish Raghavan was playing with another child Sibi Raj near their house. There was a transformer at the close proximity of their house with SS1-100 KVA 32 SWG is located. Due to high voltage and fluctuations, the transformer wires used to be cut off and were floating down in and around the transformer. The TANGEDCO has not taken adequate measures to maintain the transformer properly in that locality.

3. On 02.01.2020, while the elder son of the petitioner Rithish Raghavan was playing with another child Sibi Raj, accidentally both the two children were hit the fluctuating wire, which was lying there. Since it was high voltage electricity passing through the transformer, one boy died and the son of the petitioner sustained serious injuries. The son of the petitioner touched the other boy, who died.

4. The learned counsel for the petitioner would submit that the boy took treatment for long period and the TANGEDCO also failed to provide adequate treatment immediately. The petitioner suffered medical



expenditure for long time and therefore, submit an application seeking compensation.

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5. As per the interim order passed in the present writ petition, the TANGEDCO paid a sum of Rs.50,000/- to meet out the immediate medical expenditure of the boy of the petitioner. The photographs produced by the petitioner would show that the boy suffered serious burn injuries both in his hands as well as in his legs.

6. As per the Electricity Board proceedings issued in TANGEDCO proceedings No.6, Administrative Branch, dated 16.10.2019, for non-fatal injuries, a sum of Rs.2 lakhs and a sum of Rs.1 lakh is prescribed. However, considering the fact that son of the petitioner is aged about five years and sustained serious injuries, which will have future repercussions to lead his health happily, a maximum compensation as prescribed in the TANGEDCO proceedings is to be awarded.

7. Accordingly, this Court is inclined to award a sum of Rs.2 lakhs towards compensation to the petitioner along with interest at the rate



of 6% per annum from the date of accident till the date of payment. The interest is to be calculated and the respondents are directed to pay the compensation amount to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. If the petitioner incurred any further medical expenditure or otherwise or if the petitioner wishes to seek any enhancement of compensation, the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of establishing her cause in the manner known to law.

8. With the above directions and observations, the present writ petition stands allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

11-01-2024

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



To

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S.M.SUBRAMANIAM, J.

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