



W.A.No.2419 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2024

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

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1. The Chairman
TANGEDCO, Tamil Nadu Electricity Board
No.144, Anna Salai, Chennai – 600 002.
 2. The Superintending Engineer
Tamil Nadu Electricity Board
Erode Region, 948, EVN Road
Erode – 638 009.
 3. The Executive Engineer
Tamil Nadu Electricity Board
Erode Region, 948, EVN Road
Erode – 638 009.
 4. The Assistant Engineer
Tamil Nadu Electricity Board
Muthukumarasamy Kovil Theru
Avalpuntharai, Erode District.
- .. Appellants

Vs.

1. Sarawathi
 2. Vinosha
 3. Gokul
 4. Bhuvaneshwari
- .. Respondents



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Prayer: Appeal filed under Clause 15 of the Letters Patent against the order in W.P.No.22676 of 2017 dated 12.03.2021.

For the Appellant : Mr.I.Syed Sibghatulla

For the Respondents : Mr.S.Parthasarathy
Senior Counsel
for Ms.P.T.Ramadevi

JUDGMENT

(Delivered by the Hon'ble Mr. Justice S.M.SUBRAMANIAM)

The *lis* on hand has been instituted challenging the writ order dated 12.03.2021 passed in W.P.No.22676 of 2017.

2. The Writ Court granted compensation of Rs.13.75 lakhs along with interest for the death occurred on account of electrocution. The calculation was arrived at by adopting the procedure as contemplated under the Motor Vehicles Act, 1988.

3. The question arises whether the table prescribed under the Motor Vehicles Act, 1988, can be adopted, more specifically in Writ Proceedings.



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4. The disputed facts cannot be adjudicated in a Writ Proceedings under Article 226 of the Constitution of India. Negligence, contributory negligence, fixing liability, etc. are all to be determined through evidences and documents and by an adjudicatory process. Such a process cannot be undertaken in a Writ Proceedings. The Writ Courts are not expected to quantify compensation in the absence of proper adjudication. The Courts are expected to exercise restraint and in exceptional cases, the Constitutional Courts could grant compensation, by exercising discretionary powers in the event of gross injustice. However, it cannot be a routine affair.

5. In the present case, the husband of the petitioner, aged about 43 years, died on account of electrocution. He was an Agriculturist. The husband of the petitioner left five legal heirs including the petitioner, a minor son, a minor daughter and his parents. A criminal case under Section 174 of the Criminal Procedure Code, 1973, was registered.

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6. Death due to electrocution was not disputed. In such circumstances, the victim is entitled to get compassionate compensation, already fixed by the Tamil Nadu Electricity Board in its Board Proceedings. *Contrarily*, the High Court cannot quantify the compensation by adopting the methods contemplated under the Motor Vehicles Act, 1988. Since the death due to electrocution is not disputed between the parties, the compassionate compensation fixed by the Electricity Board is to be paid to the victims, along with interest.

7. *Mr.S.Parthasarathy*, learned Senior Counsel appearing on behalf of the respondents would submit that the Writ Court has considered the mitigating factors and awarded compensation, which deserves no interference.

8. However, we are not inclined to agree with the said submission in view of the fact that granting compensation by



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adopting the Motor Vehicles Act, 1988, table would set a wrong precedent, since for arriving quantum of compensation, adjudication must be conducted based on the documents and evidences available on record. But, compassionate compensation can be granted, along with interest, to the victim at the first instance and liberty may be granted to the victim to approach the competent Civil Court of law for the purpose of seeking enhancement of compensation, by establishing negligence on the part of the Electricity Board Authorities. The said approach would be balancing, so as to consider the interest of the parties and not to cause any prejudice to any one of the parties.

9. In view of the facts and circumstances, the impugned Writ order dated 12.03.2021 in W.P.No.22676 of 2017 is set aside. The appellant TANGEDCO is directed to pay a sum of Rs.5 lakhs along with interest at the rate of 7% per annum, from the date of the death of the husband of the petitioner till the date of payment, to the respondents, within a period of four weeks from the date of



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receipt of a copy of this order.

10. The compensation granted in the present order is not a bar for the respondents to seek enhancement of the compensation by duly instituting a Civil Suit in the manner known to law.

11. Learned counsel for the appellant TANGEDCO brought to the notice of this Court that pursuant to the interim stay order passed by this Court, a sum of Rs.7 lakhs has been deposited with the Registrar General, Madras High Court, in the credit of W.A.No.2419 of 2021. The Registrar General is directed to permit the respondents to withdraw the said amount of Rs.7 lakhs along with the accrued interest. The balance amount is directed to be settled by the appellant TANGEDCO.

12. The writ appeal, accordingly, stands allowed in part. There shall be no order as to costs. Consequently, C.M.P.No.15477 of



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2021 is closed.

(S.M.S., J.)

(C.K., J.)

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