



WEB COPY



W.P.No.5566 of 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5566 of 2001

S.Sekar

... Petitioner

Vs.

1. The State Government of Tamil Nadu,
Rep. by its Secretary,
Tamil Nadu Electricity Board,
Fort St.George, Chennai – 9.

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

3.The Assistant Engineer,
Tamil Nadu Electricity Board,
Electricity Distribution Circle/
West, Chrompet, Chennai.

4.The Executive Officer,
Pammal Town Panchayat,
Pammal, Chennai-600 075.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to pay compensation to the petitioner for the death of the petitioner's son S.Suresh, which took place on 15.05.1998 due to electrocution.



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For Petitioner : Mr.S.Illam Valudhi for
Mr.H.Adaikala Arockia Raj

For Respondents : Mrs.Keerthana Shenoi for
Mr.L.Jai Venkatesh,
Standing Counsel for TANGEDCO,
(for R2 & R3);

Mrs.P.Vijaya Devi,
Government Advocate (for R1 & R4).

ORDER

The writ of mandamus has been instituted to direct the respondents to pay compensation to the petitioner for the death of the petitioner's son S.Suresh, which took place on 15.05.1998 due to electrocution.

2. The deceased S.Suresh, son of the writ petitioner was studying in 9th Standard in Pallava Matriculation School at Pammal, Chennai. On 15.05.1998, at 16:30 hours, the son of the writ petitioner went to a shop at pallavaram. While walking through M.G.R.Street at Peryar Nagar, Pammal, a live wire belonging to Electricity Board and maintained by Pammal Town Panchayat was lying unattended. The son of the petitioner, without knowing, touched the electric wire and succumbed to death instantly.



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3. The petitioner has given a police complaint before the Inspector of Police B-5, Sankar Nagar Police Station, Pammal, and the case was registered in Crime No.998/98 under section 174 Cr.P.C. However, no further action was initiated.

4. The petitioner filed the present writ petition on 20th March 2001, and unfortunately the writ petition is pending before this Court for the past 23 years.

5. The learned counsel for the petitioner Mr.S.Illam Valudhi would submit that death due to electrocution has not been disputed by the respondent Board. Due to the negligence on the part of the Board Authorities, the minor boy got electrocuted and died. Thus, the petitioner is entitled for compensation.

6. The learned standing counsel for the Tamil Nadu Electricity Board Mrs.Keerthana Shenoi would oppose by stating that the petitioner is not entitled for compensation. The deceased boy committed negligence which resulted in his electrocution. Thus, the writ petition is to be rejected.

7. At the time of the death of the minor boy, there was no Board



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proceeding to grant compensation on compassionate ground. However, the Board passed an order first time in the year 2013, granting a compensation of Rs.2,00,000/- (Rupees Two Lakhs Only) for fatal accidents on account of electrocution. The said amount of Rs.2,00,000/- (Rupees Two Lakhs Only) compensation was enhanced by the Board as per TANGEDCO Proceeding No.6, Administrative Branch dated 16th October 2019. It is a compensation amount fixed by the Board on compassionate grounds. Therefore, it would be sufficient that the death due to electrocution is established.

8. In the present case, a criminal case has been registered by the police which would reveal that the minor boy died due to the electrocution. More so, the respondent Board also has not disputed the fact regarding the death of the minor boy on account of electrocution. That being so, the petitioner is entitled for the compensation as per the Board proceedings.

9. Regarding the quantum of compensation, this Court is of the considered opinion that on the date of the death of the minor boy, there was no Board proceedings and more so, the present writ petition is



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pending for the past about 23 years. Thus, it would be appropriate to fix compensation applicable as on today and therefore, accordingly to the Board Proceeding No.6 dated 16th October 2019, the petitioner is entitled for a compensation of Rs.5,00,000/- (Rupees Five Lakhs Only) along with the interest at the rate of 6% per annum from the date of the Board proceedings, i.e., 16th October 2019.

10. The compensation granted in the present writ petition is not a bar for the petitioner to seek enhancement of compensation by instituting a Civil Suit if he has chosen to do so. In the event of instituting any such suit, the petitioner is entitled to avail the benefit of Article 14 of the Limitation Act for the purpose of condoning the delay for the period during which the writ petition was pending before the High Court.

11. In view of the facts and circumstances, the respondents are directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only), along with the interest rate of 6% per annum, from the date of Board proceedings i.e., 16th October 2019, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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12. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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