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W.P.No.22852 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2024

CORAM:

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

W.P.No.22852 of 2021 and
WMP.No.24065 of 2021

S.Revathy

... Petitioner

Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd.,
Rep. By its Managing Director,
NPKRR Maaligai,
No.144, Anna Salai, Chennai 600 002
2. The Superintendent Engineer – Tiruvannamalai,
Tamilnadu Generation and Distribution Corporation Ltd.,
Tiruvannamalai Town and Taluk, Vengikkal Post,
Tiruvannamalai District,
Pincode 604 402
3. The Assistant Engineer/O&M,
Tamilnadu Generation and Distribution Corporation Ltd.,
Sirunkattur, Vembakkam Taluk,
Tiruvannamalai District,
Pincode 604 402
4. Junior Engineer/Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Perunkattur, Vembakkam Taluk,
Tiruvannamalai District,
Pincode 604 402



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5.Venkatesan

(fifth respondent impleaded vide order dated 29.07.2022
dated 29.07.2022 made in WMP.No.24991 of 2021 in
WP.No.22852 of 2021)

... Respondents

PRAYER:

Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the respondents to pay the petitioner a sum of Rs.35,00,000/- 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 14.09.2021 to the first respondent within a time frame as fixed by this Court.

For Petitioner : Mr.K.Venkateswaran

For Respondents

For R1 to 4 : Mrs.Danial Mary,
Standing Counsel

For R5 : Mr.B.Jawahar

ORDER

This writ petition has been filed for direction to the respondents to pay compensation of Rs.35,00,000/- with interest for the death of the petitioner's husband due to electrocution.



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2. The petitioner married one, Sivasankaran and gave birth to two female children. While being so, on 29.07.2017 at about 11.00 p.m., when the petitioner's husband went through the land belongs to the fifth respondent he got electrocuted in the electric barbed fence put up by the fifth respondent on his own land in order to safeguard his crops from wild animals. On the spot, the petitioner's husband died. Immediately, a complaint was lodged before the Inspector of Police, Morranam Police Station, Tiruvannamalai District and the same was registered in crime No.293 of 2017 for the offence punishable under Section 304(i) of IPC as against the fifth respondent. However, even till today, the investigation is pending and no charge sheet has been laid in crime No.293 of 2017. The petitioner, being the wife of the deceased, made representation before the first respondent seeking compensation for the death of her husband due to electrocution.

3. On perusal of the counter filed by the third respondent revealed that the fifth respondent was not provided with any electricity



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service connection to put up barbed electric fencing in and around his agricultural property. The petitioner's husband died due to electric shock in the property belongs to the fifth respondent, in which the fifth respondent had put up electric barbed fence in order to protect his agricultural crops.

4. The fifth respondent filed counter the learned counsel appearing for the fifth respondent submitted that the third respondent inspected the scene of crime and found that the deceased got electrocuted in the land belongs to one, Arumugam S/o. Shanmugam and died on 30.07.2017. Therefore, FIR was registered on the complaint lodged by the deceased's father. As such, FIR cannot be considered to prove that the petitioner's husband died due to electrocution in the electric barbed fencing put up by the fifth respondent. Though FIR has been registered as against the fifth respondent, so far no charge sheet has been laid since the accident did not take place in the land belongs to the fifth respondent. On false information, the father of the deceased lodged the complaint as against the fifth respondent and the same was registered in crime No.293



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of 2017 for the offence punishable under Section 304(i) of IPC.

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Therefore, the fifth respondent is not at all held to be liable for any compensation payable to the petitioner.

5. The learned counsel appearing for the petitioner relied upon the board proceedings No.6 dated 16.10.2019 whereby the respondents Board ordered to pay compensation to the tune of Rs.5,00,000/- in case of fatal, non departmental, mechanical / electrical accidents to human beings / animals. Though there is no evidence to show that only on the negligence of respondents 1 to 4, the accident had occurred, due to which the petitioner's husband got electrocuted and died, the petitioner's husband died due to electrocution leaving the petitioner and two minor children. Further, though this Court has no jurisdiction to grant compensation under Article 226 of the Constitution of India in a case which does not involve disputed questions of facts and it requires appreciation of evidence by the competent court, in view of the above circumstances, this Court deems it fit to order compensation as per the board proceedings No.6 dated 16.10.2019. Further, the board



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proceedings also does not say that this compensation amount is payable only in the cases of negligence on the part of the Department. The said compensation is orderable for mechanical / electrical accidents to human beings. Therefore, the petitioner is entitled for compensation from respondents 1 to 4 as interim measure in accordance with the board proceedings No.6 dated 16.10.2019 to the tune of Rs.5,00,000/-.

6. In view of the above, respondents 1 to 4 are directed to pay compensation of Rs.5,00,000/- to the petitioner within a period of six weeks from the date of receipt of copy of this order. Thereafter, respondents 1 to 4 are at liberty to proceed as against the fifth respondent to recover the said amount in accordance with law, by due enquiry. Further, the petitioner is at liberty to file appropriate petition as against the fifth respondent before the competent court to claim compensation on the death of her husband in the manner known to law within a period of twelve weeks from the date of receipt of copy of this order.



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7. With the above directions, this writ petition is disposed of.

Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

- 1.Managing Director,
Tamilnadu Generation and Distribution Corporation Ltd.,
NPKRR Maaligai,
No.144, Anna Salai, Chennai 600 002
- 2.The Superintendent Engineer – Tiruvannamalai,
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- 3.The Assistant Engineer/O&M,
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Tiruvannamalai District,
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- 4.Junior Engineer/Assistant Engineer,
Tamilnadu Generation and Distribution Corporation Ltd.,
Perunkattur, Vembakkam Taluk,
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