



WEB COPY



W.P.No.22760 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM:

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

W.P.No.22760 of 2024

K.Vadivel

.... Petitioner

Vs

1. The District Collector
Erode District, Erode

2. The Block Development Officer
Panchayat Union Office,
Sennimalai, Perundurai Taluk,
Erode District

3. The President
Ekkattampalayam Village,
Sennimalai,
Perundurai Taluk, Erode District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to fix and pay a just and reasonable compensation to the petitioner for the death of his son Meimathi, who was electrocuted in the Water Tank maintained by the 3rd respondent panchayat in accordance with law.

For Petitioner : Mr.K.Govi Ganesan

For Respondents : Mr.C.Kathiravan
Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the



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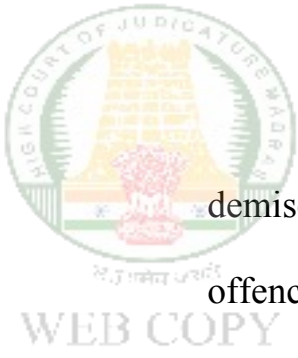
respondents to pay compensation for the demise of the petitioner's son due to electrocution.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The third respondent is the President of Ekkattmpalaym Village, Chennimalai, Perundurai Taluk, Erode District. While the petitioner's son was returning from school on 10.01.2024, when he crossed the water tank, he caught hold of the iron pipe in the said water tank and got electrocuted and died. On the complaint, FIR has been registered in Crime No.16 of 2024 for the offence under Section 174 of Cr.P.C.

4. A perusal of the FIR reveals that the electric wire joining with the starter and the motor got damaged and touched the water pipe. Therefore, there was electricity leakage and as such, when the petitioner's son caught hold of the pipe, he got electrocuted.

5. Admittedly, there was no electrician to maintain the electric motor and the water tank. Therefore, it cannot be said that the third respondent is liable to pay compensation to the petitioner for the



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demise of his son. That apart, the FIR has been registered only for the offence under Section 174 of Cr.P.C and not against the third respondent. Therefore, the representation submitted by the petitioner cannot be considered. Thus, the writ petition is devoid of merits and is liable to be dismissed.

6. Accordingly, this writ petition stands dismissed.

However the petitioner is at liberty to file a suit and claim damages from the appropriate Civil Court in the manner known to law, if so advised.

No costs.

12.08.2024

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

To

1. The District Collector
Erode District, Erode

G.K.ILANTHIRAIYAN. J,

Lpp

2. The Block Development Officer
Panchayat Union Office,
Sennimalai, Perundurai Taluk,



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Erode District

3.The President
Ekkattampalayam Village,
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