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W.P.No.28028 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.28028 of 2024

M.Sathiya

...Petitioner

Vs.

1. The Chairman,
Tamil Nadu Transmission Corporation,
6th Floor (TANTRANSCO) Building,
No.144, Anna Salai, Chennai-600 002.
2. The Superintending Engineer,
Villupuram Electricity Distribution Circle,
No.10, Old Power House Road, Villupuram-605 602.
3. The District Collector,
In the office of the Villupuram Collectorate,
Villupuram District-605 602.
4. The Assistant Engineer (TNEB),
In the office the Assistant Engineer,
Office and Maintenance,
Poothamedu, Villupuram District-605 601.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order made by the 2nd respondent in her



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proceedings in Ka.No.077-1/Administrative section-1/Assistant-3/Ko. Compensation/2024 dated 04.07.2024 and quash the same and consequently directing the 2nd respondent to grant a compensation of Rs.1 Crore to the petitioner based on the petitioner representation dated 12.06.2024 and 25.06.2024.

For Petitioner : Mr.K.Subash

For Respondents : Mr.V.Venkata Seshaiya, for R1 & R2
: Mr.LSM.Hasan Fizal, AGP, for R3

ORDER

This Writ Petition has been filed seeking quashment of the order of the 2nd respondent in proceedings bearing Ka.No.077-1/Administrative section-1/Assistant-3/Ko. Compensation/2024 dated 04.07.2024 and to consequently direct the 2nd respondent to grant a compensation of Rs.1 Crore to the petitioner based on her representations dated 12.06.2024 and 25.06.2024.

2. Mr.V.Venkata Seshaiya, learned Counsel takes notice on behalf of the 1st and 2nd respondents, Mr.LSM.Hasan Fizal, learned Additional Government Pleader takes notice on behalf of the 3rd respondent. In view of the consent expressed by the learned counsel on



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either side, this Writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that on 18.12.2023, when the petitioner's elder son namely Boobalan was trying to take the cricket ball that had fallen on the open terrace of the Chozhampoondi Panchayat Union Secondary school, Villupuram, unfortunately, he came in contact with the 22 Kilowatts High tension power line and he was electrocuted, due to which, the petitioner's elder son, the said Boobalan lost both his legs. Regarding the above said incident, a complaint has been lodged, which was registered as a case in Crime No.96 of 2024 u/s 154 of Cr.P.C. Thereafter, the petitioner made representations dated 12.06.2024 and 25.06.2024 before the 4th respondent seeking compensation to the tune of Rs.1 Crore to her elder son. However, the 2nd respondent, vide impugned order dated 04.07.2024 stated that they are ready to pay a compensation of Rs.2,00,000/-. Challenging the same, the petitioner has come up with the present writ petition.

4. Learned counsel for the petitioner submitted that, despite the several complaints made by the School authorities seeking to exchange and rectify the above said 22 Kilowatts low handing High tension power



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line, the EB Department failed to take effective steps and the said negligent act on the part of the Electricity officials has resulted in the above said tragic incident. He further submitted that, due to the above said accident, the petitioner's elder son suffered permanent disability is facing various hardships in leading his day to day life, however, without considering any of the above said facts, the 2nd respondent had awarded a sum of Rs.2,00,000/-, which is very meagre. Therefore, this Court may consider passing a direction to the respondents to shell out adequate compensation for the loss suffered by the petitioner's elder son.

5. Learned Counsel appearing for the 1st and 2nd respondents submitted that, as per the board proceedings No.6 dated 16.10.2019, in respect of electrocution, a sum of Rs.2,00,000/- is payable towards loss of two limbs or two eyes and thereby, the 2nd respondent, vide impugned order had rightly stated that a sum of Rs.2,00,000/- will be paid in favour of the petitioner's son and the same will be disbursed to the petitioner, within a reasonable time that may be fixed by this court. However, if the petitioner is aggrieved by the said amount, she has to approach the District Legal Services Authority as per Victim Compensation Scheme.



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6. Heard learned counsel on either side and perused the material documents placed on record.

7. In view of the above submissions, this Court, without interfering with the order impugned in this Writ petition, directs the respondents to disburse Rs.2,00,000/- (Rupees Two Lakhs only) to the petitioner, within a period of two (2) weeks from the date of receipt of a copy of this order. If at all the petitioner is aggrieved by the above said compensation amount, the petitioner is at liberty to make appropriate application before the District Legal Services Authority under the Victim Compensation Scheme within a period of two (2) weeks from the date of receipt of a copy of this order, along with a copy of this order. Upon receipt of the such application, the District Legal Services Authority shall consider the same on merits and in accordance with law and pass appropriate orders, within a period of four (4) weeks thereafter, after affording an opportunity of personal hearing to the petitioner and aggrieved persons, if any.

8. With the above directions, this Writ Petition stands disposed of. No costs.

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: Yes/No

Speaking order

: Yes/No

NCC

: Yes / No

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