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W.P No.24442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24442 of 2022

Ramesh

...Petitioner

Vs.

- 1.The Chairman
Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
Chennai.
- 2.The Executive Engineer (Operation & Maintenance)
Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
Tindivanam
Villupuram.
- 3.The Assistant Executive Engineer
Jakkampettai
Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
Tindivanam
Villupuram District.
- 4.The Associate Executive Engineer
Tamil Nadu Generation and Distribution Corporation (TANGEDCO)
Villupuram.

5.Seethapathy
6.Shakila

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to pay compensation a sum of Rs.20,00,000/- (Twenty Lakhs Only) for the death of the petitioner's father namely Chinnathambi due to electrocution.

For Petitioner : Mr.G.Mohammed Aseef

For Respondents : Mr.V.Venkata Seshaiya for R1 to R4
Standing Counsel
R5 & R6 -Not ready in notice

ORDER

The petitioner herein seeks a direction to the respondents 1 to 3 to pay compensation of a sum of Rs.20,00,000/- for the death of his father namely Chinnathambi due to electrocution.

2. It is the case of the petitioner that his father died due to electrocution on 17.04.2019 when he was herding near the land belonged to Seethapathy Reddiar, the fourth respondent herein. It was further averred that there was live electrical fence with illegal electric connection by the fourth



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respondent and the petitioner's father came in contact with illegal electric fence put up by the fourth respondent and died on the spot.

3. It is further stated by the petitioner that the official respondents 1 to 4 failed to take action against the illegal tapping of energy by the private respondents for putting electric fencing. As a consequence of illegal electrical fencing, his father died. Hence, the petitioner submitted a representation on 30.04.2019 before the respondents seeking appropriate compensation and the same has not been considered. Therefore, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that if the official respondents conducted regular inspection and prevented illegal tapping by the private respondents, the incident would not have been occurred. Therefore, it is the case of the petitioner that the death of the petitioner's father had occurred only due to negligence of the official respondents in not conducting regular inspection for prevention of tapping of electric energy.



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5. The learned counsel for the petitioner relied on the judgment of this Court in ***Duraisamy Vs. The Executive Engineer and others, in W.P.No.31744 of 2002***, in support of her arguments.

6. The learned counsel for the official respondents would submit that the private respondents indulged in the illegal tapping of the electricity without knowledge of the official respondents. Therefore, the respondents 1 to 4 cannot be blamed for accident.

7. The learned counsel for the official respondents further submitted that the illegal tapping of electricity by the private respondents had taken place in a remote agricultural land and therefore, regular inspection of the same is not possible.

8. Even as per the averments found in the affidavit filed in support of this Writ Petition, it is clear that the electrocution had taken place due to the illegal electrical fence put up by the fourth respondent in his agricultural land. Therefore, the official respondents 1 to 3 cannot be held responsible for the illegal act of the private respondents. The submission made



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by the learned counsel for the petitioner referring to failure of the respondents in conducting regular inspection is also not acceptable to this Court, in view of the fact that the accident had occurred in a remote agricultural land and therefore, the chance of regular inspection of the same is not possible. In fact the said plea raised by the petitioner was considered and found against the petitioner in the decision relied on by the learned counsel for the petitioner in para No.36, which reads thus:

“36. In my humble opinion, the decisions relied on by the learned counsel for the petitioner cannot be strictly applicable to the facts of this case for the reason that in the case on hand, insofar as supply of electricity to the agricultural filed is concerned, it is done in the interior areas of the Villages, through out the State and that the chances of inspecting, as to whether there is any pilferage or malpractice is rather remote, unless specific complaints are received, as compared to the case of a supply of electricity for residential/commercial purposes, where there is tariff. It is also to be noted, when agriculturalists are not levied any charges for use of electricity, there would not be any possibility of taking metre reading at regular intervals for the purpose of levying consumption charges. Therefore, considering the vast extent of agricultural lands, one cannot



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expect inspection at the place of supply frequently, unless there is any specific complaint/report of illegal usage of the same for any other purpose, other than agriculture.

9. Therefore, on facts and circumstances of this case, the official respondents 1 to 4 cannot be held liable for the accident.

10. The learned counsel for the petitioner further submitted by relying on the decision in ***Duraisamy Vs. The Executive Engineer and others***, (cited supra) that the respondents 1 to 4 may be directed to pay the compensation amount to the petitioner and adjust the same with the deposit amount available with them as against the electricity connection by the private respondents. The learned counsel for the official respondents submitted that the electricity service connection given to the private respondents is a free agricultural connection as no deposit amount was collected from the private respondents.

11. In such circumstances, the request made by the petitioner cannot be accepted and accordingly, this Writ Petition is dismissed. However,

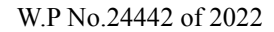


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it is open to the petitioner to work his remedy before the private respondents by filing a civil suit. The petitioner is entitled to exclude the time taken by him in prosecuting the Writ Petition before this Court (05.09.2022 to date of receipt of copy of this order), while calculating the limitation for filing the civil suit against the private respondents. No costs.

08.11.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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S.SOUNTHAR, J.

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