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W.P.No.28391 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28391 of 2022

R.Mangalam

...Petitioner

Vs.

1. The Superintendent of Engineer,
TANGEDCO,
Chengalpet Circle, Chengalpet.
2. The Executive Engineer, (OGM),
TANGEDCO,
Peerkkankaranai Circle, Chennai.
3. The Assistant Executive Engineer,
TANGEDCO,
Peerkkankaranai Circle, Chennai.
4. The Assistant Engineer,
TANGEDCO,
Peerkkankaranai Circle, Chennai.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the EB Board authorities to compensate the two Minor Children of electrocuted victim-Kowsalya by names 1.Sri Ram aged about 13 Years, 2.Venkatakrisshnan aged about 11 years against the above ultimately death of her on 23.11.2020 at premises



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bearing Door.No.83, Anna Street, Kamaraj Nagar, Peerkankaranai, Chennai-600 043 with a compensation of amount Rs.10,00,000/-(Rupees Ten Lakhs Only) on Humanitarian grounds and for their very survival itself, from the accident funds of the Tamil Nadu Electricity Generation and Distribution Corporation Ltd.

For Petitioner : Mr.G.P.Sivakumar

For Respondents : Mr.L.Jaivenkatesan

ORDER

The petitioner has filed this Writ petition seeking direction to the EB Board authorities to compensate the two Minor Children of electrocuted victim-Kowsalya with a compensation of amount Rs.10,00,000/- on Humanitarian grounds and for their very survival itself, from the accident funds of the Tamil Nadu Electricity Generation and Distribution Corporation Limited.

2. The case of the petitioner is that, she is the sister-in-law of the deceased Kowsalya, who died due to electrocution on 23.11.2020 in front of the premises bearing Door.No.83, Anna Street, Kamaraj Nagar, Chennai, due to improper maintenance of electric wires by the Tamil Nadu Electricity



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Board. Regarding the above said incident, a complaint has been lodged, which was registered as a case in Crime No.1303 of 2020 u/s 174 of Cr.P.C.

Since the minor sons of the deceased namely Sri Ram, aged about 13 years and Venkatakrishnan, aged about 11 years were left all alone due to the negligent maintenance by the respondents, the petitioner made representations dated 16.03.2022 and 17.03.2022 before the 3rd and 4th respondents respectively, seeking restoration of the electricity service connection, which evoked no response and till date, no compensation has been paid by the respondent board in favour of the abandoned minor children of the deceased. Hence, the petitioner has come up this Writ Petition, seeking payment of compensation to the tune of Rs.10,00,000/- in favour of the minor children of the deceased on humanitarian grounds and for their very survival itself.

3. In spite of the fact that the petition has been filed even during the year 2022 and two years have passed since, the learned counsel on record has not appeared before this Court. Therefore, this Court appoints Ms.R.Samira, as the legal aid counsel on behalf of the petitioner, who was provided with the requisite papers and after going through the papers, the learned counsel submitted that, the above said accident occurred solely due to the negligence



on the part of the EB authorities in maintaining the electric wire line, however, till date, the victim's minor children were not paid with necessary compensation. Hence, she submitted that, it would suffice, if this Court issues direction to the respondents to at least pay the admitted amount of Rs.5,00,000/- in case of fatal as per the proceedings of the TANGEDCO bearing No.6 dated 16.10.2019, in favour of the minor children of the deceased.

4. Learned counsel appearing for the respondents submitted that, the above said accident happened in front of the premises of the deceased, for which, the Electricity board cannot be made responsible. Accordingly, he prayed for dismissal of this Writ petition.

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

6. It is to be pointed out that the electrocution of the deceased was on account of the live wire which had cut loose from the post. Though the said live wire had fallen in front of the house of the deceased, that cannot be attributed to the deceased, as it is the duty of the respondents to maintain the



wires in a proper manner. Only to that end, to obviate the sufferings of the family, the respondents, in case of such accidents, have passed the proceedings in and by which a sum of Rs.5,00,000/- is being paid to the bereaved family.

7. In view of the above position, as transpires from the records, the accident having taken place due to the severing of the live wire in front of the house of the deceased with which the deceased had come in contact with, this Court deems it fit and proper to order for payment of admitted amount of Rs.5,00,000/- in case of fatal by the TANGEDCO in favour of the victim's family and the 2nd respondent is directed to open bank accounts in the name of the minor children of the deceased and deposit a sum of Rs.2,50,000/- in favour of each of the children of the deceased within a period of two weeks from the date of receipt of a copy of this order.

8. If at all the the children of the deceased are not satisfied with the above said compensation amount, they are at liberty to make appropriate application before the District Legal Services Authority under the Victim Compensation Scheme, along with a copy of this order. Upon receipt of such application, the District Legal Services Authority shall consider the same on



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merits and in accordance with law and pass appropriate orders, within a period of two (2) weeks thereafter, after affording an opportunity of personal hearing to the petitioner, the victim's children and aggrieved persons, if any.

9. Ms.R.Samira, the legal aid counsel appointed by this Court for espousing the cause of the petitioner shall be entitled to the fees as prescribed by the Tamil Nadu State Legal Services Authority and the same may be paid to her.

10. With the above observations and directions, this Writ Petition stands allowed. No costs.

11. Registry is directed to forward a copy of this order to the Member Secretary, Tamil Nadu State Legal Services Authority, Chennai, for the purpose of disbursing the fees to the legal aid counsel appointed by this Court. Registry is also directed to forward a copy of this order to the petitioner, who shall file the requisite details of the children of the deceased along with a copy of this order before the respondents, which details shall be used by the respondents for the purpose of opening the bank account for the children and deposit the amount aforesaid in the said account. Upon



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providing the necessary details with regard to the children of the deceased, the respondents are directed to restore the electricity connection to the subject premises, if there is no other impediment for so doing.

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skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

To:

1. The Superintendent of Engineer,
TANGEDCO,
Chengalpet Circle, Chengalpet.
2. The Executive Engineer, (OGM),
TANGEDCO,
Peerkkankaranai Circle, Chennai.

M.DHANDAPANI, J.

skt

3. The Assistant Executive Engineer,
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