



W.P.No.33870 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.33870 of 2024

- 1.C.Amudha
- 2.C.Sivaprakasam
- 3.C.Siranjeevi
- 4.C.Sivaranjani
- 5.C.Amsavalli

...Petitioners

Vs.

1. The Chairman cum Managing Director
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO)
10th floor, NPKRR Maaligai,
144, Anna Salai,
Chennai-600 002.
2. The Superintendent Engineer
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO)
Four road, Perambalur,
Perambalur District.
3. The Assistant Executive Engineer
Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO)
Four road, Perambalur,
Perambalur District.
4. The Junior Electrical Engineer

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W.P.No.33870 of 2023.

Tamil Nadu Generation and Distribution
Corporation Limited(TANGEDCO)

V.Kalathur

Perambalur District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the 2nd respondent in Ka. No. 771/ NiPi.2/ u-2/ Ko- Electricity Accident / 2023 dated 30.12.2023 and quash the same as illegal, incompetent and ultravies and consequently direct the respondents to pay compensation a sum of Rs. 15,00,000 /- (Fifteen Lakhs Only) for the demise of Mr. Late Chinnadurai by electrocution on 04.05.2023 due to negligence of the 4th respondent.

For Petitioner

: Mr.R.Jayaprakash

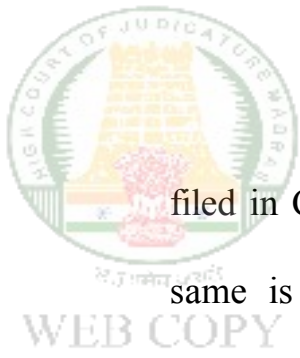
For respondents 1 to 4

: Mr.D.Suresh Kumar
Standing Counsel

ORDER

The writ petition is filed challenging the order passed by the 2nd respondent rejecting the request made by the petitioners seeking compensation for the death of 1st petitioner's husband and father of the petitioners 2 to 5 late Chinnadurai due to electrocution.

2. According to the petitioners, later Chinnadurai, while trying to switch off the power of electric pump set motor installed in the well in their land, got electrocuted and died on the spot. In respect of the said incident, an FIR was



filed in Crime No.90 of 2023 on the file of V.Kalathur police station and the same is pending investigation. The petitioners, claiming that respondents' negligence is the reason for the accident, submitted a representation before the 2nd respondent seeking compensation. By impugned order, the 2nd respondent rejected the request of the petitioners on the ground that there was damage in the set top box of the motor installed in the petitioners' land and the electrocution had occurred only due to the poor maintenance of the set top box by the petitioners and consequently the respondents' board could not be fastened with any liability to pay compensation. Aggrieved by the same, the petitioners have come before this Court.

3. The learned counsel for the petitioners vehemently contended that unfortunate accident had taken place only due to the gross negligence of the respondents' department.

4. Even in the writ affidavit, it is clearly admitted by the petitioners that late Chinnadurai got electrocuted when he attempted to switch off the electricity service connection to electric pumpset motor installed in the Well situated in the land belonged to the petitioners. Therefore, the accident had taken place in the premises of the petitioners and not in the public place or any



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place belongs to respondents. In the FIR also, it is clearly mentioned by the complainant, who is arrayed as 2nd petitioner in the writ petition that electrocution had occurred when late Chinnadurai attempted to switch off the electric motor installed in their lands. In such circumstances, *prima facie*, there is nothing on record to fasten the liability on the part of the respondents' department. Whether the respondents were negligent or not is a disputed question of fact, which requires leading of evidence. Therefore, the said question cannot be gone into conveniently in the writ proceedings.

5. Accordingly, the writ petition is dismissed with liberty to the petitioner to work out the remedy if any, before the Civil Court. No costs. Any *prima facie* opinion expressed by this Court with regard to negligence aspect will not affect the right of petitioner in civil litigation.

03.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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W.P.No.33870 of 2021.

To

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S.SOUNTHAR, J.

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