



W.P(MD)No.646 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.646 of 2023

1.R.Ragu

2.R.Padma Soori

... Petitioners

Vs.

1.The Chairman cum Managing Director,
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Anna Salai,
Chennai.

2.The Executive Engineer (O & M),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Theni District,
Theni.

3.The Assistant Executive Engineer (O & M),
Tamil Nadu Generation and
Distribution Corporation (TANGEDCO),
Theni District,
Theni.



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4.The District Collector,
Theni District,
Theni.

5.The Inspector of Police,
Allinagaram Police Station,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to pay a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) towards compensation for the death of petitioners' son, namely, Veeravel who died due to electrocution within the time stipulated by this Court.

For Petitioners : Mr.P.Mahendran

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.1 to R.3

Mr.T.Villavan Kothai
Additional Government Pleader for R.4

ORDER

Heard both sides.

2.The petitioners' son Veeravel died due to electrocution on 24.05.2019. In this regard, Crime No.167 of 2019 was registered on the



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file of the fifth respondent Police Station. The fifth respondent has also filed final report closing the case as "Action dropped". In the counter affidavit filed by the fifth respondent it has been mentioned that the factum of death due to electrocution has been confirmed. The petitioners seek payment of compensation.

3.The learned Standing Counsel appearing for TANGEDCO states that there is no clarity as to what led to the electrocution. He would state that TANGEDCO can take responsibility only up to the tapping point in the electric pole installed by the Board in the public street. It is the duty of the individual consumer to draw electricity from tapping point to his or her home. TANGEDCO suspects that due to some fault in the electric wiring installed by the consumer, the occurrence had taken place. He therefore wants this Court to exonerate TANGEDCO from liability.

4.I carefully considered the rival contentions and went through the materials on record.



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5.The Hon'ble Supreme Court of India in a decision reported in **(2002) 2 SCC 162 (M.P.Electricity Board Vs Shail Kumari and Others)**

had held that in such matters, the remedy open to the affected party is to move the jurisdictional civil Court and the invocation of writ remedy is not appropriate. But such an approach may lead to inequitable results in certain cases. Probably taking note of the same, TANGEDCO itself had issued more than one Board proceedings providing for no fault liability. The Board proceedings No.6 dated 16.10.2019 provides for payment of Rs.5 Lakhs as compensation for fatal cases. That apart, it is seen from the materials on record that during the previous day, there was heavy rainfall. It is also stated that the electric wires were hanging rather low. I will therefore not rule out the possibility of overhead lines coming in contact with the roof of the neighboring house. The petitioners' son had innocently come in contact with the said roof and that is how he passed away.

6.Even though the materials are not sufficient to put the blame on TANGEDCO invoking the principle of no fault liability and by applying Board Proceedings No.6 dated 16.10.2019, I direct the TANGEDCO to



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pay a sum of Rs.5 Lakhs to the second petitioner. The second petitioner shall furnish her bank account details to the third respondent. A sum of Rs.5 Lakhs shall be deposited by the third respondent in the said bank account within a period of ten weeks from the date of receipt of a copy of this order. Though in normal circumstances, I would not impose any restraint order regarding withdrawal, considering the special facts and circumstances of this case, I direct that the second petitioner can withdraw only a sum of Rs.5000/- (Rupees Five Thousand only) per month. The amount will be deposited in a nationalised Bank. The amount shall be deposited in such a way so that it also earn interest in the meanwhile.

7.This writ petition is allowed on these terms. There shall be no order as to costs.

12.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 19.03.2024.

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G.R.SWAMINATHAN, J.

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