



W.P(MD)No.19214 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19214 of 2020

and

W.M.P(MD)No.16052 of 2020

K.Chokkaiyan (Died)

2.Muthurajam

3.Chellapandian

4.Vijayaraj

5.Kamal Raj

6.Malai Jothi

*(P.2 to P.6 were substituted vide
order of this Court dated 12.02.2024
in W.M.P(MD)No.1704 of 2024)*

... Petitioners

Vs.

1.The Chairman cum Secretary to Government,
TANGEDCO,
144, Anna Salai,
Chennai – 600 002.



W.P(MD)No.19214 of 2020

2.The District Collector,
Dindigul District,
Dindigul.

3.The Executive Engineer,
TANGEDCO,
Dindigul District (South),
Meenakshi Nayakkanpatti Post,
Angunagar, S.S.Complex,
Dindigul – 624 002.

4.The Assistant Executive Engineer,
Operation and Maintenance,
TANGEDCO,
Natham,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the impugned order of the fourth respondent in Ka.No.U.SEY.PO/Natham/Va.AA/Koo.Kattu/A.No.233/18 dated 05.10.2018 and quash the same as illegal and consequently directing the respondents to pay compensation to the petitioner and his children for a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs) for the death of the wife of the petitioner, namely, Ramuthai due to electrocution on 23.02.2018 and on the basis of the representation of the petitioner dated 05.09.2018.

For Petitioners : Mr.V.Thirumal



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W.P(MD)No.19214 of 2020

For Respondents : Mr.S.Deenadhayalan
Standing Counsel for R.1, R.3 & R.4

Mr.K.S.Selvaganesan
Additional Government Pleader for R.2

ORDER

Heard both sides.

2.The petitioner's wife died due to electrocution on 23.02.2018. In this regard, Crime No.147 of 2018 was registered on the file of Natham Police Station under Section 174 Cr.P.C that the petitioner's wife died due to electrocution is beyond dispute. The only question that calls for consideration is whether TANGEDCO should be fastened with liability to compensate the petitioner. The writ petition was originally filed by her husband and during pendency of the writ petition he passed away, the legal heirs of the deceased come on record.

3.The learned counsel appearing for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.



W.P(MD)No.19214 of 2020

4.The learned Standing Counsel appearing for TANGEDCO submitted that TANGEDCO was not at fault. He produced photographs to show that the original petitioner had put up iron fencing and that had come in contact with the pole erected by the consumer himself. TANGEDCO would supply electricity only up to the electric pole and from the electric pole it is the consumer's responsibility to draw line to his or her premises. In order to ensure that the line drawn by the consumer is straight one supporting pole is also installed by the consumer. The supporting pole was made of steel and that was in contact with the iron fencing put up by the consumer. In this case, it appears that there was leakage of electricity and when the original petitioner's wife came in contact with the iron fence, she suffered electrocution and died as a result. There is considerable force in the contention of the learned Standing Counsel for TANGEDCO that the TANGEDCO may not really be at fault in this case.

5.However, I am inclined to grant relief by invoking the proceedings issued by TANGEDCO on 16.10.2019. For fatal cases, TANGEDCO had undertaken to pay a sum of Rs.5 Lakhs even if there



W.P(MD)No.19214 of 2020

was no fault on the side of TANGEDCO. It is true that TANGEDCO Proceedings No.6 dated 16.10.2019 was issued after the occurrence and for the existing cases what was proposed to be paid was only Rs.2 Lakhs. I have held in more than one case that this proceeding can be applied even to pending cases.

6.The learned counsel appearing for the petitioners draws my attention to the decision reported in **2018-2-Writ L.R.450 (Ramakkal Vs The Chairman cum Managing Director, TANGEDCO & Others)**. A learned Judge of this Court had held as follows:

“17. Rule 29 (17) lays down that the entire service line will be the property of the licensee and that the consumer will be maintained by the licensee at that cost.

18. Rule 29 (18) entitles the licensee to use the service line for supply of electricity to any other person.

19. On a co-joint reading of the aforesaid provisions, it is seen that the service line, which is drawn from the distributing main to the meter in the consumer's premises, is an exclusive property of the licensee namely,



W.P(MD)No.19214 of 2020

TANGEDCO in view of Rule 30 (17) of the Code, and it is mandated therein that the service line would be maintained by the TANGEDCO.

20. In the instant case, it is not in dispute that the electrocution occurred out of the service line entering inside the petitioner's premises. It is the case of the respondents that the main electricity post is situated 12 feet away from the house of the deceased and that the post as well as the main line are properly maintained. It is the further case that the deceased had caught hold of the live service line and was electrocuted.

21. As stated above, the service line from the distributing main to the consumer's meter is an exclusive property of the licensee in view of Rule 30 (17) of the Code, which is mandated to be maintained by the TANGEDCO. Even assuming that the deceased had caught hold of service line and thereby electrocuted, it can be only concluded that the service line lacked proper insulation, which would amount to non-maintenance of the wire. When a live wire runs from the distributing main to the meter of a consumer's premises, the respondents are bound to ensure that the said wire is properly



W.P(MD)No.19214 of 2020

insulated, since there is a possibility of such a wire being handled by the persons in the house or even by general public. Since the respondents have taken a stand that the deceased had touched the live wire, it can be only concluded that the service line was not properly maintained or subjected to periodic inspections. As such, it has to be held that the second respondent was responsible for the non-maintenance and hence, liable to pay compensation.”

There is yet another decision in favour of the petitioners reported in **2019 (1) CWC 900 (Priya Vs Chairman, Tamil Nadu Electricity Board & Others)**. I need not go into the factual or contentious aspects because the deceased was aged around 64 years. She was also not a earning member. There is nothing on record to show she was an earning member.

7.Be that as it may, we are concerned with human life for which there cannot be any monetary valuation at all. I therefore invoke the Board proceedings dated 16.10.2019 and direct the TANGEDCO (third respondent) to pay a sum of Rs.1 Lakh each to the petitioners herein. The petitioners herein are directed to approach the fourth respondent and furnish their bank account details. The compensation shall be remitted to



W.P(MD)No.19214 of 2020

their respective bank accounts within a period of twelve weeks from the date of receipt of a copy of this order.

8.This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.02.2024

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

To

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2.The District Collector,
Dindigul District,
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W.P(MD)No.19214 of 2020

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W.P(MD)No.19214 of 2020

G.R.SWAMINATHAN, J.

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W.P(MD)No.19214 of 2020

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