



W.P(MD)No.6395 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.6395 of 2018

- | | |
|-----------------------|------------------------|
| 1.Somasundaram (Died) | ... Petitioner |
| 2.Neelavathi | |
| 3.Seethalakshmi | |
| 4.Siyamaladevi | ... Petitioners 2 to 4 |

Vs

- | |
|--|
| 1.The District Collector,
Thanjavur District,
Thanjavur. |
| 2.The Revenue Divisional Officer,
Thiruvidaimaruthur Taluk,
Thanjavur District. |
| 3.The Assistant Engineer (O & M),
TANGEDCO,
Thiruvidaimaruthur Taluk,
Thanjavur District. |
| 4.Mahalingam |

... Respondents

(Petitioners 2 to 4 are impleaded vide order dated 04.11.2024
in W.M.P(MD)No.3640 of 2024)



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the 3rd and 4th respondents in respect of causing negligence death of the petitioner's son and give suitable compensation to the petitioner and consider the representation, dated 29.01.2018.

For P – 2 to P - 4	: Mr.A.V.Rajasekaran
For RR 1 & 2	: Mr.M.Senthil Ayyanar Government Advocate
For R – 3	: Mr.S.Deenadhayalan Standing Counsel

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 and 2 to take action as against the respondents 3 and 4 in respect of causing death of the first petitioner's son and compensation.

2.Pending the Writ Petition, the sole petitioner died and the petitioners 2 to 4 were impleaded, vide order dated 04.11.2024 in W.M.P(MD)No.3640 of 2024.



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3.The fourth respondent owned agricultural land along with a motor pump set. Adjacent to his land, the first petitioner owned agricultural land. While being so, when the first petitioner's son went to the fourth respondent's pump set for washing, he was electrocuted and died. In pursuance to the said incident, the first petitioner lodged a complaint and the Inspector of Police, Thiruvidaimaruthur Police Station, Thanjavur District registered the F.I.R in Crime No.131 of 2017 under Section 174 of Cr.P.C. However, so far no offence was altered and no charge-sheet has been laid by the Investigating Officer. Hence, the first petitioner submitted a representation, dated 29.01.2018 to the respondents 1 and 2, seeking compensation and also seeking action against the respondents 3 and 4 for the death of his son.

4.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5.Admittedly, due to negligence on the part of the first petitioner's own son, he was electrocuted and died. There is no proof to show that there is any electricity leakage due to negligence on the part of the third respondent.



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6. Therefore, the representation submitted by the first petitioner, dated 29.01.2018 cannot be considered and the Writ Petition itself is liable to be dismissed. Accordingly, this Writ Petition is dismissed. However, petitioners 2 to 4, who are the legal heirs of the deceased first petitioner, are at liberty to seek compensation as against the fourth respondent in the manner known to law. There shall be no order as to costs.

**04.11.2024
(1/2)**

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Thiruvidaimaruthur Taluk,
Thanjavur District.
- 3.The Assistant Engineer (O & M),
TANGEDCO,
Thiruvidaimaruthur Taluk,
Thanjavur District.



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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.6395 of 2018

04.11.2024
(1/2)