



W.P.(MD) No.24247 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.24247 of 2018

M.Manonmani

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Energy Department,
Fort St.George,
Chennai – 600 009.

2.The Tamil Nadu Electricity Board,
Rep. by its Chairman,
Anna Salai,
Chennai.

3.The Superintending Engineer,
TANGEDCO – Dindigul,
Dindigul District.

4.The Executive Engineer,
Tamil Nadu Electricity Board,
Dindigul South,
Dindigul District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to provide an adequate compensation of Rs.10,00,000/- (Ten Lakhs) to the petitioner's family for the loss of her husband Marimuthu then aged about 31 years due to electrocution which was caused by the negligence of the



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respondents and also initiate appropriate disciplinary proceedings against the persons working under the respondents who were responsible for the said accident for failing in their duty.

For Petitioner	: Mr.S.Sarvagan Prabhu
For R1	: Mr.S.P.Maharajan Special Government Pleader
For R2 to R4	: Mr.S.Deenadhayalan Standing Counsel

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to provide an adequate compensation of Rs.10,00,000/- (Rupees Ten Lakhs) to the petitioner's family for the loss of her husband Marimuthu, aged about 31 years, due to electrocution, which was caused by the negligence of the respondents and also initiate appropriate disciplinary proceedings against the persons working under the respondents, who were responsible for the said accident.

2. The petitioner's husband namely, Marimuthu died on 09.04.2015 due to electrocution. This is confirmed by the Death Certificate dated



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17.04.2015; the F.I.R. registered on 09.04.2015 in Crime No.315 of 2015

by the Dindigul Taluk Police Station; and the Postmortem Report dated

09.04.2015 of the Government Head Quarters Hospital, Dindigul.

3. In the counter affidavit filed by the fourth respondent, it has been stated as follows:-

"10.I respectfully submit that the quantum of compensation is to be arrived on the basis of material facts pleaded and proved. The contention of the petitioner is that the accident occurred due to negligence. The common law remedy is available by initiating appropriate action by establishing the facts to justify the quantum of compensation. The affidavit is bereft of any details regarding the number of dependents. But however in the Board Proceedings (BP) in the event of such accident a sum of Rs. 25,000/- originally to be paid that was increased on 29.04.2013 at Rs.2,00,000/- will be paid after taking into consideration of the nature of accident and whenever any claim is made. Over and above the sum only civil remedy lies before appropriate civil forum. Be that as it may be a writ of Mandamus for refund or any money claim is not maintainable unless such claim is a constitutional relief."

4. The cause of the death is not in dispute. The compensation that is offered by the respondents for Rs.2,00,000/- is not sufficient to compensate the death of the petitioner's husband late.Marimuthu and therefore, the petitioner seeks for compensation of Rs.10,00,000/-.



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5. I am of the view that the prayer of the petitioner is quite balanced and therefore, the same deserves to be allowed. Accordingly, this Writ Petition is allowed, by directing the respondents to pay a sum of Rs.10,00,000/- as compensation to the petitioner's family together with interest at 9% p.a. No costs.

Index : Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order
smn2

27.06.2024

To

- 1.The Secretary to Government of Tamil Nadu,
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Chennai – 600 009.
- 2.The Tamil Nadu Electricity Board,
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- 3.The Superintending Engineer,
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C.SARAVANAN, J.

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