



W.P(MD)No.17618 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE B.PUGALENDHI**

W.P.(MD)No.17618 of 2015

S.Dhanapal

... Petitioner

/Vs./

1.The District Collector,
Thanjavur,
Thanjavur District.

2.The Superintendent Engineer,
Tamil Nadu Electricity Board,
No.1, Vallam Road,
Thanjavut District.

3.Gopalakrishnan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to give compensation to the petitioner on the basis of the petitioner's representation dated 12.03.2015.

For Petitioner	: Mr.G.Gomathi Shankar
For R1	: Mr.R.Suresh Kumar Additional Government Pleader
For R2	: Mr.S.Deenadhayalan Standing Counsel

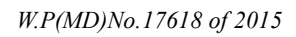
ORDER

Seeking compensation for the death of the petitioner's son, the petitioner has filed the present writ petition.



2.An agriculturist, by name Gopalakrishnan/third respondent had put up an electric fence around his cultivating land for preventing rats from damaging the crops, without getting any permission from the authorities concerned and also without putting any signal around his land about the electric fence. When the son of the petitioner, who was studying 12th standard (Science Group), went to cull the lotus from the bank for his practical examination through the lands of the third respondent, he trampled the electric line and died on the spot. Hence, the petitioner made a complaint before the agriculturist for putting up an illegal electric fence. He also made a representation before first respondent seeking compensation for the death of his son. Since the same was not considered, the petitioner is constrained to file the present writ petition.

3.The learned Standing Counsel appearing on behalf of the second respondent submits that it is an admitted case that the petitioner's son died due to electrocution of the fence illegally put up by the third respondent. A criminal case was also registered against the third respondent. He further submits that the second respondent cannot be made liable for the illegal act committed by the third respondent. He has also relied upon the order passed by this Court in a similar case in W.P.(MD)No.21207 of 2021 dated 20.11.2023.



7.It is an admitted case that the third respondent had illegally erected electric fence around his land and the petitioner's son got trampled in the illegal electric fencing put up by the third respondent and he died on the spot. For this the Department cannot be made liable to pay any compensation to the petitioner.



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8.In light of the above, this writ petition is disposed of directing the petitioner to approach the competent civil Court seeking appropriate remedy against the third respondent by filing a suit. No costs.

22.01.2024

Index : Yes / No
Internet : Yes / No
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To

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Thanjavur District.
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B.PUGALENDHI,J.

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