



W.A.(MD)No.887 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2024

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

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- 1.The Chairman and Managing Director,
Tamil Nadu Generation and Distribution Ltd.,
NPKKR Maaligai, 144, Anna Salai,
Chennai-600 002.
- 2.The Superintending Engineer,
The Executive Engineer Distribution / TANGEDCO,
Thiruppathur Taluk, Sivagangai District.
- 3.The Executive Engineer,
Distribution / TANGEDCO,
Thiruppathur Taluk,
Sivagangai District.

...Appellants

/Vs./

L.Malathi

...Respondent

PRAYER:- Writ Appeal - filed under Clause XV of Letters Patent Act, to set aside the order dated 30.04.2013 made in W.P.(MD)No.2355 of 2013 on the file of this Court.



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For Appellants : Mr.S.Deenadhayalan
For Respondent : Mr.M.Kaliraj

JUDGMENT

DR.G.JAYACHANDRAN, J.
AND
C.KUMARAPPAN, J.

This writ appeal is preferred by TANGEDCO being aggrieved by the order passed by the learned Single Judge awarding compensation to the respondent herein for the electrocution death of her husband.

2. The allegation by the respondent is that due to ill maintenance of the service line, the husband of the respondent herein got electrocuted, while saving a goat caught inbetween the electric pole. Snapping of live wire is admitted by TANGEDCO and therefore, the learned Judge thought fit that for the negligence on the part of



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TANGEDCO, they are liable to pay compensation. Accordingly, compensation of Rs.4,25,000/- and the litigation costs of Rs.25,000/- along with interest was ordered. Being aggrieved, this writ appeal has been filed.

3. The learned counsel appearing for the appellants / TANGEDCO vehemently argued that the said order of the learned Single Judge is contrary to the dictum laid down by the Hon'ble Supreme Court in *SDO, Grid Corporation of Orissa Ltd., and Others vs. Timudu Oram* reported in *2005 (6) SCC 156*.

4. The learned counsel appearing for the respondent submitted that pursuant to the order passed by the learned Single Judge, TANGEDCO has deposited the money and the same has been withdrawn by the respondent herein.

5. Since it is an extraordinary and exceptional case, the High Court has exercised its power under Article 226 of the Constitution of



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India and awarded compensation. The same need not be interfered with and the dictum of the Hon'ble Supreme Court cited by the learned counsel for the appellants will not apply to the facts of this case.

6. Having considered the rival submissions and perusal of the records, this Court finds that the respondent herein, who has lost her husband due to electrocution, had approached this Court invoking article 226 of the Constitution of India. This Court, having found that the allegation was due to ill maintenance of the electric line, has awarded the compensation of Rs.4,25,000/- and the litigation costs of Rs.25,000/-. The said order passed on 30.04.2013 has been complied with by TANGEDCO and had preferred this appeal to set right the erroneous order pointing out the law declared by the Hon'ble Supreme Court in SDO, Grid Corporation of Orissa Ltd., supra.

7. This Court though agreed with the submissions made by the learned counsel appearing for the appellants, having reported that the money has been withdrawn by the widow of the deceased victim, this



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Court is not inclined to interfere with the order of the learned Single Judge. Accordingly, this writ appeal is dismissed. No costs.

[G.J.J.] & [C.K.J.]
03.01.2024

NCC :Yes/No
Index :Yes/No
Internet :Yes
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Judgment made in
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03.01.2024