



W.P.(MD) No.24747 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD)No.24747 of 2018

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... 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 adequate compensation of Rs.10,00,000/- (Ten Lakhs) to the petitioner's family for the loss of her husband Jeyaraj, aged about 50 years due to electrocution which was caused by the negligence of the respondents and



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also initiate appropriate disciplinary proceedings against the persons working under the fourth respondent for failing in their duty to rectify the broken live high tension power line.

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 adequate compensation of Rs.10,00,000/- (Rupees Ten Lakhs) to the petitioner's family for the loss of her husband Jeyaraj, aged about 50 years, due to electrocution, which was caused by the negligence of the respondents and also initiate appropriate disciplinary proceedings against the persons who were working under the fourth respondent for failing in their duty to rectify the broken live high tension power line.

2. The petitioner's husband namely, Jeyaraj died on 24.05.2018 due to electrocution. This is confirmed by the Death Certificate dated



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29.05.2018; the F.I.R. registered on 24.05.2018 in Crime No.289 of 2018 by the Dhadikombu Police Station; and the Postmortem Report dated 24.05.2018 of the Government Head Quarters Hospital, Dindigul.

3. In the counter affidavit filed by the fourth respondent, the fourth respondent has stated that the death was due to act of God and not due to electrocution and therefore, has placed reliance on the decision rendered by the House of Lords in **Rylands vs. Fletcher**, (1868) LR 3 HL 330, in the context of tortious liability. Paragraph Nos.7 to 10 of the counter affidavit filed by the fourth respondent read as under:-

"7. I respectfully submit that the accident occurred due to heavy wind which is natural calamity. Mere fact that the deceased had come into contact with wire of electricity transmission line and had died was not by itself sufficient. Further examination is required whether any negligence of the appellant is there. In such event of factual dispute writ petition is not maintainable.

8. I respectfully submit that in the complaint and in the FIR it has been accepted that on the date of occurrence heavy rain and wind was there. This would be evident that there is no negligence on the part of the respondent. The accident caused due to ACT OF GOD. That even in strict liability stated in Rylands Vs Fletcher case there are exceptions and one such exception is Act of God.

9. I respectfully submit that even if any petition filed under Motor Vehicles Act the claimant ought to



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plead and prove by producing evidence, depose before the Tribunal etc. Even in such cases fraudulent claim arises. Therefore if the petitioner is claiming over and above two lakhs, the proper remedy is suit and not writ petition.

10. I respectfully submit that the transmission of electricity is not that hazardous like toxic gases and therefore the scale of negligence attributed to emission of toxic gases cannot be attributed in the case of transmission of electricity. Moreover there is statutory authority and duty to transmit and support the activity. In such event fastening liability on the respondent is incorrect as stated in 26th Edition 2010 of Law of Torts by Ratanlal & Dhirajlal revised by Dr. G.P. Singh."

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.Jeyaraj and therefore, the petitioner seeks for compensation of Rs.10,00,000/-.

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

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To

WEB COPY

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C.SARAVANAN, J.

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