



W.P.(MD)No.24681 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.24681 of 2024

Sulochana

... Petitioner

/Vs./

- 1.The District Collector,
Trichy District.
- 2.The Superintending Engineer,
Tamilnadu Electricity Board,
Thennur, Trichy District.
- 3.The Assistant Engineer,
Operations and Maintenance,
TANGEDCO, Poolampatti,
Manapparai West Taluk,
Trichy District.
- 4.The Special Tahsildhar,
Tamilnadu Arasu Cable TV Corporation Limited,
Trichy District.
- 5.Xavier

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the respondents to pay



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compensation and damages for a sum of Rs.10,00,000/- (Rupees Ten Lakhs) for loss of the petitioner's husband and cow, who died on 25.02.2021 by the electrocution by the act of negligence of the respondents by considering the petitioner's representation dated 02.09.2024 within a time that may be stipulated by this Court.

For Petitioner : Ms.R.Karthika

For Respondents : Mr.S.Shanmugavel (R1 & R4)

Additional Government Pleader

Mr.S.Deenadhayalan (R2 & R3)

Mr.J.Perumal (R5)

ORDER

This writ petition has been filed for directing the respondents to pay compensation of Rs.10,00,000/- for the loss of the petitioner's husband and her cow due to electrocution.

2. Heard the learned counsel on either side and perused the materials placed on record.



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3. The petitioner got married to one Ragavan and gave birth to two children. The petitioner's house was provided with cable TV connection by the fifth respondent. Cable TV wire was tied up in electric post and it touches the electric wire. While being so, there was electric supply in the cable wire, which was laid by the fifth respondent to the petitioner's house. When the petitioner's cow touches the said cable, it was electrocuted and died. When the petitioner's husband went there to rescue the cow, he was also electrocuted and died on spot. An FIR was also registered in Crime No.80 of 2021 under Section 174 CrPC and it is pending for investigation on the file of the Inspector of Police, Vaiyampatty Police Station, Trichy District.

4. The learned counsel appearing for the petitioner would submit that only due to the negligence on the part of the second and third respondents, there was electrical leakage in the cable, due to which, the petitioner's husband and her cow died. Therefore, they are liable to pay compensation for the loss of the petitioner's husband. In support of her submission, she relied upon the judgment of this Court dated 05.01.2021 passed in WP(MD)No.16913 of 2013.



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5. On perusal of the aforesaid judgment, there is negligence on the part of the Electricity Department and therefore, this Court ordered compensation. But, whereas, in the case on hand, admittedly, the petitioner's house was provided with cable TV connection by the fifth respondent. The said cable TV wire was tied up with electric post and it touched the electrical line. Therefore, electrocution was happened only due to the negligence of the fifth respondent and as such, the respondents 1 to 4 are not responsible to pay any compensation, since accident was not taken place due to the negligence on their part. That apart, there is no evidence to show that cable TV wire was on the electric post with the permission of the respondents 2 and 3.

6. Therefore, the cable TV wire was illegally gone through an electric post, due to which, electricity passed through the cable line and the petitioner's husband got electrocuted. Therefore, the representation submitted by the petitioner seeking compensation cannot be considered and this writ petition is devoid of merits and accordingly, this writ petition is dismissed. The petitioner is at liberty to seek compensation as



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against the fifth respondent in the manner known to law, if she is so advised. No costs.

14.11.2024

Index : Yes / No
NCC : Yes / No
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TO:-

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- 2.The Special Tahsildhar,
Tamilnadu Arasu Cable TV Corporation Limited,
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G.K.ILANTHIRAIYAN, J.

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