



W.P.(MD) No.23249 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.23249 of 2017

M.Thenkarai Maharajan

.. Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-2.

2.The Superintending Engineer/Kanniyakumari,
Parvathipuram,
Kanyakumari EDC, Nagercoil,
Kanniyakumari District.

3.The Executive Engineer/Nagercoil,
Parvathipuram,
Kanyakumari EDC, Nagercoil,
Kanniyakumari District.

4.The Assistant Executive Engineer (O.M),
TNEB, Boothapandy Sub Division,
Kanniyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, to direct the respondents to



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pay a compensation and damages of Rs.31,59,800/- (Rupees Thirty one Lakhs Fifty Nine Thousand and Eight Hundred only) to the petitioner for their act of negligence which resulted in the loss of the petitioner's son life and to provide the petitioner wife any job for her qualification.

For Petitioner : M/s.L.George Paul Anto

For Respondents : Mr.S.Deenadhayalan
Standing Counsel

ORDER

The writ petition has been filed seeking compensation for the death of the petitioner's son and also to provide any job for the petitioner's wife.

2.It is the case of the petitioner that the petitioner's son was electrocuted when he had come into contact with the HT electric cables, which are close to the residence of the petitioner. Repeated representations have been made to the Department to shift the electric lines, but no action has been taken by the respondents and if immediate steps had been taken, the incident would not have occurred and the petitioner would not lose his son. However, by forging the signature of



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the petitioner, a fake FIR had been filed as if the complaint had occurred only due to the attempt of the petitioner's son to take the electricity line illegally for running his shop. Therefore, he would submit that the respondents are entitled to compensation for the loss of his son.

3.Countering his statements, Mr.S.Deenadhayalan, learned Standing Counsel appearing on behalf of the respondents would submit that the petitioner himself has lodged an FIR before the authority indicating that the petitioner's son had been electrocuted when he had attempted to draw supply for putting up a shop next to the Amman temple in view of the ensuing Deepavli festival. When it was due to the action of trying to draw an illegal connection, the respondents cannot be held liable for compensation and there is no negligence on the part of the respondents. Even assuming there is negligence, the same should be proved in the manner known to law. Therefore, he would pray this Court to dismiss the writ petition.



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4.I have considered the rival submissions made by the learned counsel on either side.

5.Eventhough the petitioner had disputed the police complaint given by him, upon which an FIR had been registered, the petitioner has neither impleaded the police concerned as a party respondent in the writ petition nor has produced any statement opposing it by informing the higher officers about such fake registration of the FIR nor has taken any steps before the concerned Court with regard to such FIR. In such event, I am not inclined to accept the arguments made by the learned counsel for the petitioner that the said FIR had been registered, is a false and fake FIR. A reading of the FIR would also indicate that the petitioner himself has stated that the petitioner's son had attempted to draw electricity line from the Vinayagar Temple, for running a shop for the sale of chicken in the ensuing Deepavali festival. The said attempt made by the petitioner's son is an act of illegal drawing of electricity line, for which the respondent cannot be held to be negligent.



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6. For the above reasons, I do not find any merit in the writ petition and accordingly, the same is dismissed. However, there shall be no order as to costs.

12.12.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
sjj



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K.KUMARESH BABU, J.

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