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W.P No. 22764 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

W.P No. 22764 of 2025

R.Kandhan

... Petitioner

Vs

1. Tamil Nadu Generation And Distribution
Corporation Ltd
Rep., By Its Chairman- Managing Director
TANTRANSCO Building, Anna Salai, Chennai.

2. District Collector
Villupuram District.

3. Superintending Engineer
Villupuram Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. Post Box No.10, Old Power
House Road, Villupuram- 605 602.

4. Assistant Engineer
Villupuram Electricity Distribution Circle,
Tamil Nadu Generation And Distribution
Corporation Ltd. Post Box No.10, Old Power
House Road, Villupuram- 605 602.

... Respondents

PRAYER

Writ Petition under Article 226 of the Constitution of India praying for the



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issuance of a Writ of Certiorarified Mandamus Call for the records in order Ka. no. 082/Nir.1/ U3/ Co.court case/ 2025, dated 29.03.2025 passed by the 3rd respondent and quash the same and further direct the 3rd respondent to provide compensation for the untimely death of the petitioners son within a time frame as this Court.

For Petitioner : Ms.M.Subathra
for Mr.V.Balamurugane

For Respondents: Mr.E.Vijay Anand
Additional Government Pleader- for R2
Mr.V.Venkata Seshaiya
Standing Counsel - for RR 1, 3 and 4

ORDER

This writ petition has been filed challenging the impugned communication dated 29.03.2025 issued by the third respondent and for a consequential direction to the respondents to pay compensation for the untimely death of the petitioner's son.

2. Heard Ms.M.Subathra, learned counsel for the petitioner, Mr.E.Vijay Anand, learned Additional Government Pleader for the second respondent and Mr.V.Venkata Seshaiya, learned Standing Counsel for the respondents 1, 3 and 4.

3. The case of the petitioner is that on 16.06.2024, when his elder son Avinash was coming back home in a two wheeler, an electric post fell on the head of his son and as a result, he sustained serious head injuries and later succumbed to the injuries on the same day. According to the petitioner, such an accident had

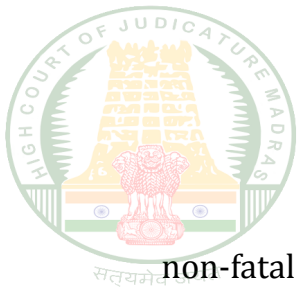


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taken place only due to the negligence on the part of the respondent in not maintaining the electric post. The representation made in this regard was not considered and hence W.P.No.32380 of 2024 was filed before this Court for a direction to the respondents to deal with the representation. This writ petition was disposed of on 07.11.2024 with a direction to the respondents to consider the representation.

4. Pursuant to the above order, the fourth respondent through the communication dated 29.03.2025 informed the petitioner that the accident took place not due to the negligence on the part of the electricity department and that it was an act of god due to adverse weather conditions, whereby a tree fell on the electric post and in turn the electric post fell on the head of the petitioner's son. Aggrieved by this communication given by the third respondent, the present writ petition has been filed.

5. In the considered view of this Court, the issue as to whether this accident had taken place due to the negligence on the part of the electricity department in not properly maintaining the electric post, is a question of fact which can be dealt with only on appreciation of evidence. Hence, without going into that issue, this Court wants to rely upon the TANGEDCO Proceedings No.6 dated 16.10.2019, wherein the compensation payable by TANGEDCO in fatal /



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non-fatal cases and fixed compensation is given.

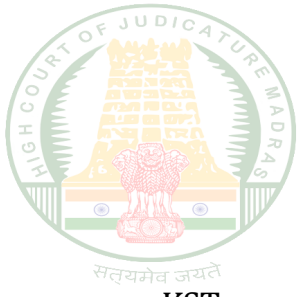
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6. In the case on hand, the petitioner's son lost his life since the electric post fell on his head. Therefore, this case can be brought under the category of fatal case and a direction can be issued to the respondents to pay the petitioner a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as per the Board Proceedings. If the petitioner is not satisfied with this compensation amount, it will be left open to the petitioner to approach the competent civil Court and seek for enhanced compensation.

7. In the light of the above discussion, this writ petition is disposed of with a direction to the third respondent to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs Only) to the petitioner under the TANGEDCO Proceedings No.6 dated 16.10.2019, within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is disposed of in the above terms. No costs.

25-06-2025



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KST

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

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Distribution Corporation Ltd
Rep., By Its Chairman- Managing
Director Tantrasco Building, Anna Salai,
Chennai.

2.District Collector
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N.ANAND VENKATESH, J.

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