



W.P.(MD)No.850 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.01.2025

CORAM:

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

W.P.(MD)No.850 of 2023

Kadar Ibrahim.M

... Petitioner

/Vs./

1. The State of Tamilnadu
Represented by the Secretary to Government,
Home Department, St.George Fort,
Chennai - 600 009.
2. The District Collector
O/o. the District Collector, Sivagangai,
Sivagangai District.
3. The Superintending Engineer
O/o. the Superintending Engineer,
Tamil Nadu Electricity Board,
Sivagangai.
4. The Assistant Executive Engineer,
O/o. the Assistant Executive Engineer,
Distribution / Tangedco, Ilayangudi,
Sivagangai District 630 709.

... Respondents

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



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Rs.25,00,000/- (Twenty Five lakhs only) to the petitioner by considering his representation dated 05.09.2022.

For Petitioner : Mr.Mohamed Riyaza

For Respondents : Mr.D.GandhiRaj

Special Government Pleader for R1&2

: Mr.S.Deenadhayalan

Standing Counsel for R3 & 4

ORDER

This writ petition has been filed for a direction, directing the respondents to pay a sum of Rs.25,00,000/- (Twenty Five lakhs only) as compensation for the injuries sustained by the petitioner's son, due to electrocution.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. On 25.12.2021, while the petitioner's son, viz., Mohamed Abdul Mufthi, was playing cricket with his friends, in the back side of TNPT School situated at Ilayangudi, Sivagangai District, there was high tension electric wire hang up very lower than actual heights. While the



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petitioner's son was attempted to catch the ball, he touched the electric wire by his right hand and caught electrocuted. Due to which, he sustained several injuries on his right hand and right leg.

4. The contention of the petitioner is that only due to the negligence on the part of the respondents 3 and 4, high tension electric line was drawn lower than actual heights. The petitioner's son aged about 10 years at the time of electrocution, he was only four feet of height and found that the electric line was drawn by the respondents 3 and 4 herein. The complaint was lodged and the same has been registered in Crime No.152 of 2022, under accidental fire.

5. On perusal of the records revealed that the petitioner's son had undergone surgery on two times and suffered with partial permanent disability of his right hand.

6. On perusal of the counter filed by the fourth respondent and on submission made by the learned Special Government Pleader, it revealed that when the petitioner's son was floating a height and the same was



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struck in the high tension electric line, which is facing through the pack side of INPT School, at Ilayankudi, Sivagangai District. When he attempted to increase his height by using iron pipe, he got electrocuted and sustained injuries. In fact, immediately after the said occurrence, no F.I.R was registered. Since the accident happened only due to the negligence of the petitioner's son, after issued direction for registering the case, F.I.R was registered, after a period of six months, that too, as if the petitioner's son while playing cricket and attempted to catch the ball, he got electrocuted. The high tension electric line has been drawn with necessary ground clearance. If the high tension electric line was drawn with the height of four feet, no person can walk under the high tension electric line. Therefore, the occurrence had happened only due to the negligence on the side of the petitioner's son, by increasing height by using iron rod.

7. On perusal of the injuries sustained by the petitioner's son also revealed that all the fingers got injured by holding iron rod on his right hand, he got electrocuted by using iron rod, to raise his height, it was struck in the high tension electric line. Therefore, there is no negligence



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on the part of the respondents 3 and 4, for the accident happened to the petitioner's son.

8. Therefore, the claim of the petitioner cannot be considered and the writ petition is devoid of merit and the same is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs.

24.01.2025

Index : Yes / No
NCC : Yes / No
LS

TO:-

1. The Secretary to Government,
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O/o. the District Collector, Sivagangai,
Sivagangai District.
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LS

4. The Assistant Executive Engineer,
O/o. the Assistant Executive Engineer,
Distribution / Tangedco, Ilayangudi,
Sivagangai District 630 709.

Order made in
W.P.(MD)No.850 of 2023

Dated:
24.01.2025