



W.P.(MD)No.2856 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.01.2025**

CORAM:

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

W.P.(MD)No.2856 of 2022

A.Gnanapackiyam

... Petitioner

/Vs./

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation (Tangedco),
Anna Salai, Chennai 600 002.
3. The Superintendent Engineer,
Tamil Nadu Electricity Generation and
Prohibition Corporation (Tangedco),
Thyagaraja Nagar, Tirunelveli District.
4. The Junior Engineer,
Tamil Nadu Electricity Generation and
Prohibition Corporation (Tangedco),
Venkatesvapuram @ Rettiyarpatti Sub Station,
Alangulam Taluk,
Tenkasi District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.20,00,000/- as compensation to the petitioner along with 7.5 percent interest from the date of death of the petitioner's husband viz., Arumainayagam S/o.Gnanamuthu till the date of realization, within the time stipulated by this Court.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondents : Mr.D.Gandhiraj (R1)

Special Government Pleader

Mr.S.Deenadhayalan (R2 to R4)

Standing Counsel

ORDER

This writ petition has been filed seeking for a direction to the respondents to pay compensation of Rs.20,00,000/- as compensation for the death of the petitioner's husband due to electrocution.

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



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3. On 13.07.2016, at about 5 a.m., when the petitioner's husband left the house to irrigate the cotton crops, he failed to notice that the live wire was lying on the field, as an electrical pole erected in the adjacent land had fallen down. Unfortunately, he touched the live wire and got electrocuted. He died on spot at his age of 45. On the complaint, an FIR has been registered in Crime No.340 of 2016 on the file of the Inspector of Police, Manur Police Station, for the offence punishable under section 174 Cr.P.C. The petitioner submitted a representation seeking compensation on the ground that the respondents are vicariously liable to pay compensation, since they neglected to maintain the electricity pole and wire intact.

4. The learned Standing Counsel appearing for the respondent Corporation on instructions submitted that due to heavy wind, the electric pole which was laid adjacent to the petitioner's land fell down and the live wire was lying in the petitioner's land. Unfortunately, the petitioner's husband touched the same and got electrocuted. As per the TANGEDCO Proceedings No.6 dated 16.10.2019, the compensation can



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be paid and the same has been enhanced to the tune of Rs.5,00,000/- in the case of fatal.

5. A perusal of the TANGEDCO Proceedings No.6 dated 16.10.2019 reveals that the exgratia payment payable on compassionate ground in respect of the fatal / non-fatal, due to the electrical accident to the human beings is enhanced to the tune of Rs.5,00,000/-. Therefore, the petitioner is entitled for compensation to the tune of Rs.5,00,000/- for the death of her husband due to electrocution.

6. It is also seen that the electrical pole had fallen down not due to the negligence on the part of the respondents and it has fallen down due to heavy wind. As it was not informed to the electricity board by anybody, unfortunately, on 13.07.2016, when the petitioner's husband at about 05.00 a.m., went to his field to irrigate his land, the petitioner was electrocuted by the live wire and died.

7. In view of the above, though there is no negligence on the part of the respondents, as per the TANGEDCO Proceedings No.6 dated



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16.10.2019, the petitioner is entitled for compensation to the tune of Rs.5,00,000/- (Rupees Five Lakhs only). Accordingly, the respondents are directed to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction this writ petition is disposed of. No costs.

22.01.2025

Index : Yes / No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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TO:-

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Order made in
W.P.(MD)No.2856 of 2022

Dated:
22.01.2025