

W.P(MD)No.2652 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.02.2025

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THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.2652 of 2023

C.Karna Maharaja

..Petitioner

Vs

- 1.The Chairman,
Tamil Nadu Electricity Board,
No.100, Annasalai,
Chennai – 600 002.
- 2.The Chief Engineer (Personnel),
Tamil Nadu Electricity Board,
No.100, Anna Salai,
Chennai – 600 002.
- 3.The Superintendent Engineer,
TNEB/TANGEDCO,
Thoothukudi,
Thoothukudi District.
- 4.The Assistant Executive Engineer,
TNEB/TANGEDCO,
Vilathikulam,
Thoothukudi District.

..Respondents



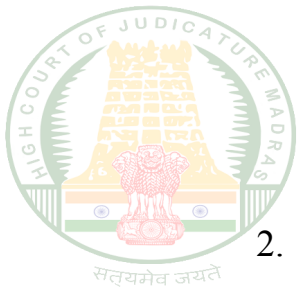
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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 3 to pay the compensation of Rs.10 lakhs to the petitioner for their act of negligence which resulted in the loss of the petitioner's minor son namely, V.Chinna Gurusamy @ Gurumoorthi, aged about 14 years, by considering the petitioner's representation dated 24.01.2023 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinayacash
For Respondents : Mr.S.Deena Dhayalan
Standing Counsel

ORDER

The petitioner is the father of one V.Chinna Gurusamy @ Gurumoorthi. The said V.Chinna Gurusamy @ Gurumoorthi was aged about 14 years studying in a school. He was the only male child for the petitioner. On 14.09.2022, while he was returning home from school, the petitioner alleges that the employees of TANGEDCO had requested the child to hold a wire, so that they could effect maintenance work for M/s.M.K.M.Nithya Welding Workshop owed by one Paulraj. He alleges that the TANGEDCO employees did not inform the child that the wire was a live one. Unfortunately, when the child touched the wire, he suffered electrocution and passed away. Alleging that the TANGEDCO employees are responsible for the death of his son, he filed the present writ petition.



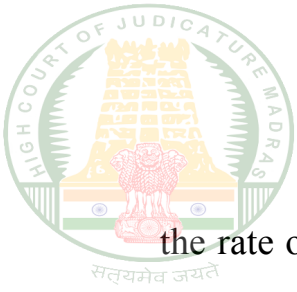
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2. This Court issued notice to the respondents. Mr.S.Deena Dhayalan

WEB COPY appeared for the respondents.

3. The stand of the respondents is that their employees never called upon the child to hold the live wire. According to them, the said Paulraj never engaged the service of the TANGEDCO employees to effect any maintenance works in his workshop during the relevant time. They further stated that soon after the death of the child, an enquiry was conducted by them, and it has come their knowledge that the said Paulraj used an extension cable to connect a welding machine to the main board. This extension cable had been damaged, and it was Mr.Paulraj, who invited the deceased child to hold the wire. This resulted in electrocution. Their specific case is that at no point in time, TANGEDCO employees were involved in the incident, that led to the unfortunate death of the petitioner's son.

4. Pending the writ petition, this Court had ordered the TANGEDCO to pay a compensation of Rs.5,00,000/-. Aggrieved by the same, an appeal was preferred to a Division Bench of this Court in W.A.(MD)No.1978 of 2023. The Division Bench dismissed the appeal on 16.11.2023, directing the TANGEDCO officials to pay a sum of Rs.5,00,000/- together with interest at



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the rate of 7% per annum from the date of the death of the deceased boy. The

Standing Counsel for TANGEDCO states that the amount was also paid on 15.02.2025.

5. I have gone through the papers and considered the submissions of the counsel.

6.The power of this Court to grant compensation in the cases of undisputed incident of electrocution is beyond cavil. However, where one party alleges negligence on the part of the electricity board, and the electricity board takes the position that none of their officials were present anywhere near the point of electrocution, it becomes a disputed question of fact. If it is a disputed question of fact, it is better that the parties be directed to resort to the regular remedy of a suit for damages.

7. Mr.I.Pinayagash, brought to notice that Vilathikulam Police had registered an FIR, but no further action had been taken. Hence, I requested Mr.K.Gnanasekaran, Government Advocate (crl.side) to find out from the police as to what steps had been taken by them pursuant to the registration of the FIR.

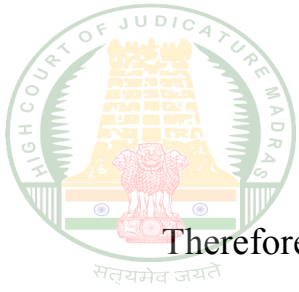


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WEB COPY 8. Mr.M.Karunanithi, Government Advocate (crl.side) representing the police has filed a status report by the Inspector of Police, Vilathikulam Police Station, Thoothukudi District. The said report reads that the FIR, which was registered, ended in a positive final report and was taken on file by the Judicial Magistrate, Vilathikulam and numbered as C.C.No.435 of 2022. The report further states that the case is now posted for hearing on 17.04.2025 for fresh summons for LW.3 to LW.15. Mr.M.Karunanithi states that the prosecuting agency will prosecute the case in all earnestness and ensure that the matter is over at the earliest.

9. As there are disputed questions of fact, I am not inclined to give any further direction.

10. The petitioner cannot be remediless. It is open to the petitioner to file a suit for damages, if he is so advised before the jurisdictional civil Court. Needless to add that the Supreme Court in **P.Sarathi vs. State Bank of India, AIR 2000 SC 2023** held that writ proceedings would be within the meaning of Section 14 of the Limitation Act. The death had occurred on 14.09.2022 and the writ petition was filed on 07.01.2023 i.e., within the limitation period.



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Therefore, if the petitioner files the suit, he will be entitled to exclude the

period from 07.01.2023 till today for the purpose of working out limitation. It is also open to the petitioner to approach the Judicial Magistrate and seek appropriate compensation in terms of Section 357 Cr.P.C.

11. With the above observations, this writ petition stands disposed of.

No costs.

19.02.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

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To

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V.LAKSHMINARAYANAN, J.

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