



W.P.(MD)No.8089 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2025

CORAM:

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

W.P.(MD)No.8089 of 2021

and

W.M.P.(MD)No.6178 of 2021

1. Arockiyaraj (Died)
2. Ranjithamary,
3. Samson

... Petitioners

/Vs./

1. Tamil Nadu Generation and
Distribution, Corporation Ltd.,
Rep. by its Chairman,
No.144, Anna Salai, Chennai 2
2. The District Collector,
O/o. the District Collectorate,
Trichy District, Trichy
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., Trichy District.
4. The Assistant Engineer
TANGEDCO, Manapparai Division,
Manapparai,
Trichy District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order of the 3rd respondent vide his proceedings in No.Letter No.May.Po/thimipava/Peru/Tiruchi/Po.Tha.A / O.Se.Po / Pothu / Muthava / Ko.Tha.A.Sattam / A.No.41/ 2020 dated 13.01.2021 and quash the same as illegal and consequently direct the respondents Nos.1 to 3 to provide compensation to the tune of Rs.10 Lakhs to the petitioner for the death of his son George due to electrocution within the time period stipulated by this Court.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.S.Shanmugavel

Special Government Pleader for R2

: Mr.S.Deenadhayalan for R1, 3 &4

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 13.01.2021 and consequently, direct the respondents 1 to 3 to provide compensation to the tune of Rs.10,00,000/- (Rupees Ten Lakhs only) to the petitioners for the death of the son of the first petitioner,viz., George, due to electrocution.

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



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3. The first petitioner's minor son, viz., George, on 04.11.2018, at about 03.00 pm, while playing with his friend in the neighbour's house, he touched the rod of upstairs steps and got electrocuted. Immediately, he was taken to Government Hospital, Manapparai and he was declared as brought dead. On the complaint, F.I.R was registered in Crime No.423 of 2018 dated 04.11.2018 under Section 174 Cr.P.C, on the file of the Sub Inspector of Police, Manapparai Police Station, Trichy District. Therefore, the first petitioner sought for compensation and submitted representation before the third respondent and it was rejected.

4. The learned counsel for the petitioners would submit that there was low laying electric line and it fell down on the petitioner's neighbour's staircase and touched the separate iron rod of staircase, due to which, the electric energy is passing on. While the first petitioner's son was playing with his friend and touched the staircase and he was electrocuted and died. It was happened only due to the negligence of the respondents 1 to 4 herein.



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5. On perusal of the F.I.R, it revealed that no such allegation was made, while lodging the complaint. That apart, after enquiry, it was closed as “further action dropped”. On perusal of the counter affidavit filed by the fourth respondent and on submission made by the Additional Government Pleader, it revealed that the first petitioners' neighbour, viz.,Padmini was provided with electricity service connection, her service wire got damaged and touched the staircase safety iron rod. Due to the same, there was electricity power passed on the staircase, while the first petitioner's son touched the pipe line, he got electrocuted and died. There is no live electric wire fell down on the staircase. It is the duty of the petitioner's neighbour, viz., Padmini, has to maintain the service wire intact. That apart, the previous day to the occurrence, there was heavy rain and due to which, service line damaged. Therefore, no negligence on the part of the respondents 1 to 4 and the claim made by the petitioner was rightly rejected.

6. The learned counsel for the second respondent would submit that the first petitioner was already paid a sum of Rs.3,00,000/- from the Chief Minister Relief Fund for the demise of his son.



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7. In view of the above, this Court finds no infirmity or illegality in the order passed by the third respondent and the writ petition is devoid of merit and the same is liable to be dismissed. Accordingly, this Writ Petition stands dismissed.

8. It is unfortunate state of affair that the Government is paying compensation for no negligence on the part of any Government Officials or the Government Department from the Chief Minister's Relief Fund. It is nothing but the general public tax payers money. The Government should not pay compensation for no negligence on their part and in future, it should be avoided. No costs. Consequently, connected Miscellaneous Petition is closed.

23.01.2025

Index : Yes / No

NCC : Yes / No

LS

TO:-

1. Tamil Nadu Generation and Distribution, Corporation Ltd.,
Rep. by its Chairman,
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G.K.ILANTHIRAIYAN, J.

LS

2. The District Collector,
O/o. the District Collectorate,
Trichy District, Trichy
3. The Superintending Engineer,
Tamil Nadu Generation and Distribution
Corporation Ltd., Trichy District.
4. The Assistant Engineer
TANGEDCO, Manapparai Division,
Manapparai, Trichy District.

Copy to:

The Chief Secretary to Government,
Government of Tamil Nadu,
Chennai.

Order made in
W.P.(MD)No.8089 of 2021

Dated:
23.01.2025