

W.A(MD)No.699 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.03.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

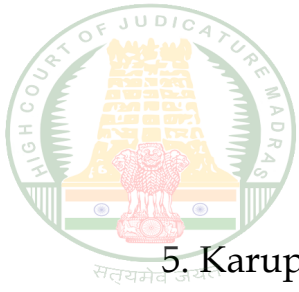
**W.A(MD)No.699 of 2025
and
CMP(MD)No.4886 of 2025**

1. Kadar Mydeen
2. Diwan Oli
3. Rajila
4. Saiyath Thaslim

... Appellants

vs.

1. Parvathy
2. The Government of Tamil Nadu,
Represented by its Chairman,
Electricity Department,
10th Floor, NPKRR Maligai,
144, Anna Salai,
Chennai - 600 002.
3. The Superintending Engineer,
TANGEDCO, Shenkottai,
Tenkasi District.
4. The Assistant Executive Engineer,
TANGEDCO, Shenkottai,
Tenkasi District.



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5. Karuppasamy

... Respondents

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PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 30.01.2025 made in W.P(MD)No.3877 of 2023.

For Appellants : Mr.K.Navaneetharaja
For R2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R3 & R4 : Mr.S.Dheenadhayalan, standing counsel

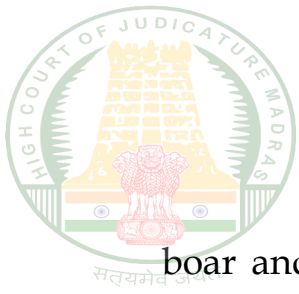
JUDGMENT

(Judgment of the Court was made by **J.NISHA BANU, J.**)

This writ appeal is filed against the order dated 30.01.2025 made in W.P(MD)No.3877 of 2023.

2. The facts leading to filing of this appal are as follows:

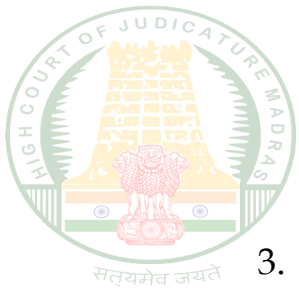
While the 1st respondent's husband, viz., Krishna Thevar, was searching for goats on 28.07.2022, went to the land belonging to the appellants managed by the 5th respondent, he got electrocuted in the electric wire set up by the appellants for the purpose of hunting wild



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boar and died. On the complaint of the writ petitioner, F.I.R has been registered in Crime No.238 of 2021 for the offences under Section 304(A) I.P.C and Section 135(1)(e) of Electricity Act, 2003 as against the 5th respondent. After completion of investigation, charge sheet was filed and the same was taken cognizance in S.C.No.6 of 2024 on the file of the District Sessions Court, Tenkasi. The 5th respondent is now facing the trial. Hence, the 1st respondent / writ petitioner filed writ petition seeking compensation of Rs.50,00,000/- for the demise of her husband due to electrocution. The Writ Court though found that the appellants illegally fenced the wire to hunt the wild boar and there was no negligence on the part of the respondents 2 to 4, considering the fact that since the 5th respondent was facing trial, without letting in any evidence, the quantum of compensation cannot be fixed in the writ petition, awarded interim compensation of Rs.5,00,000/- payable to the 1st respondent. Aggrieved by the said order, the owner of the lands / appellants have filed this appeal.

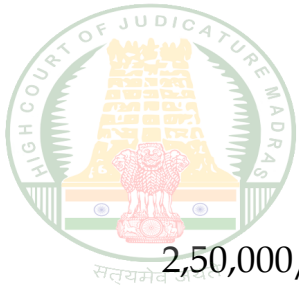


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3. Though the learned counsel for the appellants made arguments on the merits of the case that the entire case of the 1st respondent was based on disputed facts, we are not inclined to accept the same since the Writ Court considering the fact that the 5th respondent is facing trial, has only awarded interim compensation of Rs. 5,00,000/-. Apart from that, the Writ Court has also granted liberty to the 1st respondent to file a suit for compensation.

4. As rightly held by the Writ Court, the quantum of compensation can be fixed by the trial Court after considering all the evidence let in on either side. Therefore, in exercise of the discretionary jurisdiction of this Court under Article 226 of the Constitution, the Writ Court has awarded interim compensation pending the criminal case. We do not find any infirmity in the order passed by the Writ Court.

5. Accordingly, the Writ Appeal is dismissed. The appellants are directed to pay the interim compensation of Rs.5,00,000/- as directed by the Writ Court in two instalments. The appellants shall pay Rs.



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2,50,000/- on or before 15.04.2025 to the 1st respondent either by way of

Demand Draft or through RTGS and the balance amount of Rs.

2,50,000/- shall be paid on or before 15.05.2025. No costs.

Consequently, connected miscellaneous petition is closed.

[J.N.B, J.] [S.S.Y, J.]
25.03.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Government of Tamil Nadu,
Represented by its Chairman,
Electricity Department,
10th Floor, NPKRR Maligai,
144, Anna Salai,
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2. The Superintending Engineer,
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AND
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JUDGMENT MADE IN
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