



W.P.(MD).No.12978 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.07.2025

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD) No.12978 of 2023

Ayyappan

... Petitioner

Vs.

1.The Tamil Nadu Electricity Limited,
represented by its Chairman,
NPKKR Maligai, No.144, Anna Salai,
Chennai- 600 002.

2.The Tamil Nadu Generation and
Distribution Corporation Limited (TANGEDCO),
represented by Director TANGEDCO,
10th Floor, NPKKR Maligai,
No.144, Anna Salai, Chennai- 600 002.

3.The Superintending Engineer,
The Electricity Distribution Circle,
TNEB Office, NRT Nagar, Theni District.

4.The Executive Engineer,
TNEB Distribution,
Uthamapalayam Taluk,
Theni District.

5.The Assistant Engineer,
Distribution-TNEB, Kamaya Goundanpatti,
Cumbum Village,
Uthamapalayam Taluk,
Theni 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 and anyone under their authority to pay the compensation to the petitioner a sum of Rs.10,00,000/- with the interest at 18% per annum, consecutively direct the respondents to remove the high tension wire consisting of 11000 Kilo volts at ward 20, Mariyamman Kovil Street, New Bus Stand Kilpuram, Cumbum Village, Uthamapalayam Taluk, Theni District within a time stipulated by this Court.

For Petitioner : Mr.Ramasiva S M

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel

ORDER

This Writ Petition is disposed of at the time of admission after hearing the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2. The petitioner is before this Court for a Mandamus, to direct the respondents to award the compensation to the petitioner, on account of the death of the petitioner's son on 05.02.2022 due to electrocution. The First Information Report has also registered immediately after the incident in Crime No.46 of 2022, dated 05.02.2022 before the Cumbum North Police Station, Theni. The petitioner has filed a copy of the death certificate and the representation sent on



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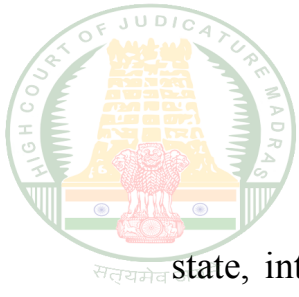
16.05.2023. However, it has not been considered.

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3. The learned counsel for the petitioner would submit that the principles are applicable in this case for the compensation under the provision of the Motor Vehicles Act, 1988. Particularly in the light of the decision of the Hon'ble Supreme Court in ***Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. In Civil Appeal No.3483 of 2008 and National Insurance Co. Ltd. Vs. Pranay Sethi & Ors*** are applicable to this case.

4. The learned counsel for the official respondents would submit that the petitioner and the petitioner's son were negligent. Therefore, the petitioner is not entitled for any compensation, as they had carried a iron pole in connection with a temple festival and the petitioner's son had accidentally touched the high tension wire, resulting in death of the petitioner's son.

5. There are several disputed questions arrived at this stage. Therefore, this Court is not inclined to issue any positive direction directly to the respondents to award compensation to the petitioner as prayed for. Suffice to

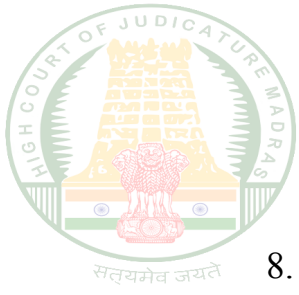


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state, interest of justice will be served, if the representation of the petitioner, dated 16.05.2023 is considered in the light of the decision of the ***Hon'ble Supreme Court in Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. In Civil Appeal No.3483 of 2008 and National Insurance Co. Ltd. Vs. Pranay Sethi & Ors*** as it has been made applicable for compensation for electrocution death.

6. The petitioner is entitled to submit all relevant case laws that have evolved over time on the subject, in order to convince the respondents to consider and grant compensation to the petitioner.

7. The respondents shall consider awarding solatium / ex gratia amount to the petitioner as per relevant government orders issued in this connection within a period of one month from the date of receipt of copy of this order. The main application shall be disposed of within a period of six months thereafter.



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8. With the above said directions, this Writ Petition is disposed of. No

costs.

16.07.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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C.SARAVANAN, J.

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