



W.P(MD)No.14351 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P(MD)No.14351 of 2022

G.Kalimuthu

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Anna Salai,
Chennai-600 002.

2.The Superintendent Engineer,
Tamil Nadu Electricity Generation and
Prohibition Corporation (TANGEDCO),
Ramanathapuram-623 503,
Ramanathapuram District.

3.The Assistant Executive Engineer,
Tamil Nadu Electricity Generation and
Prohibition Corporation (TANGEDCO),
Paramakudi,
Ramanathapuram District.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

... Respondents



W.P(MD)No.14351 of 2022

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.25,00,000/- as compensation to the petitioner along with 7.5% interest from the date of death of the petitioner's father viz., Gurusamy S/o. Kooththan till the date of realization, within the time stipulated by this Court and pass such further or other orders as this Court.

For Petitioner : Mr.Guganesan
for Mr.I.Robert Chandrakumar

For R-1 to R-3 : Mr.Viji
for Mr.S.Deenadhayalan
Standing Counsel

For R-4 : Mr.M.Muthumanikkam
Government Advocate

ORDER

The petitioner seeks for a Writ of Mandamus to direct the respondents to pay a sum of Rs.25,00,000/- as compensation to the petitioner along with 7.5% interest from the date of death of the petitioner's father, namely, Gurusamy, S/o. Kooththan till the date of realization.



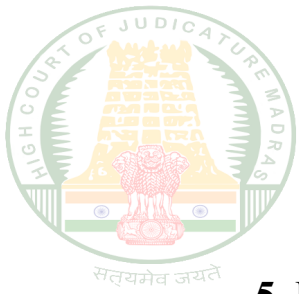
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2. The claim of the petitioner is that she and her father, Gurusamy were residing together. Her mother had predeceased her father in the year 1991. Gurusamy was an agricultural coolie.

3. On 21.10.2011, he left for his vocation. On reaching the fields, he did not notice that a low tension wire had snapped and had fallen to the ground. Unfortunately, he stepped on the same, which resulted in his immediate electrocution and death. On the same day, the petitioner lodged a criminal complaint with the Mudhukulathur police, who registered a case in Crime No. 153 of 2011 under Section 174 of the Criminal Procedure Code, 1973. Thereafter, the petitioner started giving representation seeking compensation. As nothing was forthcoming, she has come forward with the present writ petition.

4. Notice was ordered in this writ petition and Mr.S.Deenadhayalan as the learned Standing Counsel appearing for TANGEDCO has taken notice for the respondents 1 to 3. Mr.M.Muthu Manikkam, learned Government Advocate has entered appearance for the fourth respondent.



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5. Mr.S.Deenadhayalan has filed a counter affidavit. In the said affidavit, in paragraph No.5, it is admitted that the LT line had snapped and had fallen on the agricultural land of Gurusamy. It is pleaded that the snapping of the electric wire was on account of heavy wind and rain, which had occurred the previous day. The counter concedes the fact that Gurusamy died on account of electrocution. The respondents further plead that TANGEDCO had been maintaining the electric pole as per the Electricity Act and it cannot be held responsible for the accidental snapping of the same. It is faintly pleaded that there is a delay of 10 years in filing the writ petition.

6. I have heard Mr.Guganesan, for Mr.I.Robert Chandrakumar, for the petitioner, Mr.Viji for Mr.S.Deenadhayalan, for the respondents 1 to 3 and Mr.M.Muthu Manikkam, learned Government Advocate for fourth respondent.

7. When the facts pleaded by the petitioner are not seriously disputed by the respondents, the Court has to come to the conclusion that the electrocution was only on account of the negligent act of the respondents 1 to 3 in not attending to the snapped electric wire immediately. Had emergent steps been taken by respondents 1 to 3, the death of Gurusamy would not have taken place



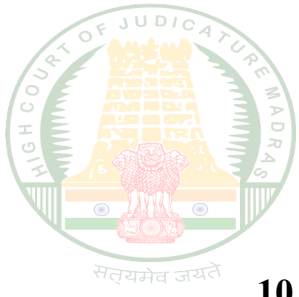
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at all. There is absolutely no explanation in the counter affidavit as to why no action was taken by TANGEDCO authorities from the time the line snapped till the time of electrocution. It is pleaded that on account of heavy wind and rain fall, the wire had snapped. If that be the situation, the TANGEDCO authorities should have been cautious enough to inspect the wires before restoring the electric supply.

8. In any event, by virtue of board proceedings that have been issued by TNEB, the predecessor of TANGEDCO, in case of accidental electrocution, the survivor of the victim would be entitled to Rs.5,00,000/- as compensation. Hence, there shall be a direction to the second respondent to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the writ petitioner within a period of four (4) weeks from today.

9. This writ petition is ordered on the above terms. There shall be no order as to costs.



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10. Call on **23.04.2025** under the caption 'For Reporting Compliance' [Top of the list].

26.03.2025

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

Note: Issue order copy on 27.03.2025.

To

- 1.The Chairman,
Tamil Nadu Electricity Generation and
Distribution Corporation (TANGEDCO),
Anna Salai,
Chennai-600 002.
- 2.The Superintendent Engineer,
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Prohibition Corporation (TANGEDCO),
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V.LAKSHMINARAYANAN, J.

BTR

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