



W.A(MD)No.2373 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.A(MD)No.2373 of 2025

S.Geetha

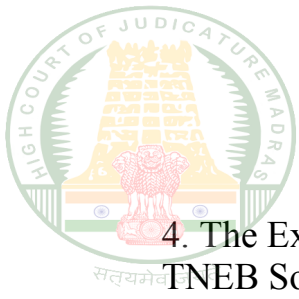
... Appellant

Vs.

1. The Principal Secretary,  
Electricity Department,  
Secretariat,  
St.George Fort,  
Chennai.

2. The Chairman,  
Tamilnadu Electricity Board,  
NPKKR Maaligai,  
Electricity Avenue,  
44, Annasalai,  
Chennai - 600 002.

3. The Superintendent Engineer,  
Tneb/ Madurai / Metro,  
Race Course Road,  
K.Pudur,  
Madurai -625 007.



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4. The Executive Engineer,  
TNEB South/ Metro,  
Subramaniyapuram SS Complex,  
Power House Road,  
Madurai - 625 011.

5. The Assistant Engineer (TNEB),  
Teppakulam Electricity Division,  
1st Floor,  
New Ramanthapuram Road,  
Madurai -625 009.

...Respondents

**PRAYER:** Writ Appeal filed under Clause XV of the Letters Patent Appeal, to set aside the order passed in W.P.(MD)No.19402 of 2024 dated 21.08.2024.

|               |                                                  |
|---------------|--------------------------------------------------|
| For Appellant | : Mr.T.Balarathinakumar                          |
| For R1        | : Mr.M.Sarangan<br>Additional Government Pleader |
| For R2 – R5   | : Mr.S.Deenadhayalan<br>Standing Counsel         |

### **JUDGMENT**

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

We have heard the learned counsel appearing for the petitioner; Mr.M.Sarangan, learned Additional Government Pleader appearing on behalf of the first respondent and Mr.S.Deenadhayalan, learned Standing Counsel appearing on behalf of the respondents 2 to 5.



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2. The intra-court appeal on hand has been instituted challenging the Writ order dated 21.08.2024 passed in W.P.(MD)No.19402 of 2024.

3. The writ petitioner is the appellant before this court. The facts which all are not disputed shows that the son of the petitioner, who was a minor, aged about 13 years, died due to electrocution on 05.03.2023. The death due to electrocution has not been disputed by the Electricity Board. The Electricity Board issued proceedings fixing compensation to the victims who died on account of electrocution. Admitted compensation by the Board proceedings cannot be denied to the petitioner in the present case. No doubt, for enhanced compensation, the aggrieved person may approach the competent civil Court for establishing negligence or otherwise. Such right to approach the civil Court cannot be denied and therefore, this Court is of the considered opinion that the Writ Court ought to have granted the admitted compensation as per the Board proceedings in the cases of death due to electrocution and thereafter, grant liberty to the persons to approach the civil Court, if they wish to claim enhanced compensation.



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4. In the present case, the Writ Court has directed the appellant to go to the civil Court. The Learned Counsel for the appellant would submit that notice has been received by the appellant to receive admitted compensation as per the Board proceedings but they have imposed a condition not to approach the civil Court. Approaching the court of law is a fundamental right of a citizen which cannot be imposed as a condition for grant of compensation, admittedly, as per the Board proceedings. Such a condition is *void ab initio* and cannot be imposed by the Electricity Board, which is a State within the meaning of Article 12 of the Constitution of India.

5. In view of the facts and circumstances, the writ order impugned stands modified that the respondent Electricity Board is directed to settle the compensation as per the Board proceedings along with the interest at the rate of 6% per annum from the date of death till the date of realization of the amount within a period of four weeks from the date of receipt of a copy of this order. However, payment of compensation as per Board proceedings would not be a bar for the appellant to approach the civil Court of law seeking enhanced compensation on merits, if she is advised to do so, in the manner known to law.



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6. With the above directions, the writ appeal stands disposed of. No costs.

**(S.M.S., J.) & (G.A.M., J.)  
18.08.2025**

NCC : Yes / No  
Index : Yes / No  
PKN

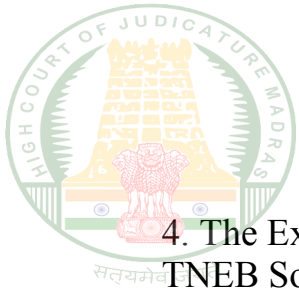
To

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