



W.P.(MD)No.29860 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.01.2025**

CORAM:

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

W.P.(MD)No.29860 of 2024

and

W.M.P(MD)No.25160 of 2024

A.Dayamani

... Petitioner

/Vs/

- 1.The District Collector,
District Collectorate Office,
Ramanathapuram District.
- 2.The Superintending Engineer,
O/o.the Superintending Engineer,
TNEB and TANGEDCO,
Ramanathapuram District.
- 3.The Executive Engineer,
TNEB and TENGEDCO,
Paramakudi, Paramakudi Circle,
Ramanathapuram District.
- 4.The Assistant Engineer,
O/o.The Assistant Engineer,
TNEB and TANGEDCO,
Paramakudi, Paramakudi Circle,
Ramanathapuram 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 impugned order under Letter No.AE/Copy/North/Parama/File Electric Accident/S.No. 433/2021 dated 10.12.2021 and to quash the same as illegal and further direct the respondents herein to disburse compensation for the demise of the petitioner's Minor Son A.Dennis, son of Arul, due to the accidental Electric Attack incurred on 09.08.2021 by considering the representation of the petitioner, dated 30.11.2021.

For Petitioner : Mr.K.R.Laxman
For R1 : Mr.S.Shanmugavel
Additional Government Pleader
For R2 to R4 : Mr.S.Deenadhayalan
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 10.12.2021 thereby rejected the claim made by the petitioner seeking compensation for her son's demise due to electrocution.

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



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3. The petitioner got married one Arul and gave birth to a male child namely A.Dennis. When he was 15 years old on 09.08.2021 he went upto the roof of the petitioner's neighbour house to catch the Dove at this juncture, there is a high voltage power line and he touched the wire and got electrocuted, due to which, he died.

4. The learned counsel appearing for the petitioner would submit that just over the house, there is a High-Tension power line and it is run just above the terrace of all the houses. Though the respondents were periodically informed to raise the electricity line, there was no response. Therefore, only due to the negligence on the part of the respondents, her son got electrocuted and died. Therefore, the petitioner submitted a representation seeking compensation for the demise of her son. It was rejected by an order dated 10.12.2021 on the ground that already the petitioner and his neighbours were issued notice to pay necessary fees for shifting the electricity line since after drawing the electricity line, the petitioner and her neighbours had constructed their respective houses.



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5. The learned Standing Counsel appearing for the respondents 2 to 4 produced the notice dated 11.03.2021. It was issued to the petitioner and her neighbours thereby called upon them to pay necessary fees for shifting the electricity lines on the ground that after the drawal of high tension wire, the petitioner and her neighbours constructed the house and they have also extended the house upto the high tension electricity line. It is highly risk one for the residence and as such, already the respondents directed the petitioner to pay necessary fees to shift the electricity line, failing which, the respondents are not liable if any untoward incident happened. Even after receipt of the same, the petitioner and her neighbours did not take any steps to shift the electricity line. Therefore, the petitioner and her neighbours have knowledge about the drawing of high tension electricity wire above their houses. While being so, when the petitioner's son went upto the terrace while attempting to catch up the Dove, he got electrocuted in the high tension electricity wire.

6. In view of the above, the respondents are not liable to pay any compensation and the request made by the petitioner was rightly



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rejected by the fourth respondent that apart the death caused only due to the negligence on the part of the petitioner's son. Therefore, this Court finds no infirmity or illegality in the order passed by the fourth respondent and hence, it is liable to be dismissed.

7. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2025

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

The District Collector,
District Collectorate Office,
Ramanathapuram District.



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G.K.ILANTHIRAIYAN, J.

am

Order made in
W.P.(MD)No.29860 of 2024

Dated:
20.01.2025