



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :23.04.2015
CORAM

THE HONOURABLE MR. JUSTICE .R. MAHADEVAN

W.P(MD) .No.11014 of 2014

WEB COPY

P.Kaliammal

... Petitioner

Vs

The Commissioner,
Madurai Corporation,
Anna Malikai, Thallakulam,
Madurai.

... Respondent

This Writ Petition has been filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the respondent to pay compensation to the tune of Rs.10,00,000/- towards the death of the petitioner's son Arumugam.

For petitioner : Mr.Saravanan

For respondent : Mr.R.Murali

ORDER

This Writ Petition has been filed praying for a writ of Mandamus directing the respondent to pay compensation to the tune of Rs.10,00,000/- towards the death of the petitioner's son Arumugam.

2. The facts of the case in this Writ Petition is that the petitioner's son, on the fateful day, while walking in the panagal road, fell into the drainage situated opposite to the emergency ward, Government Rajaji Hospital, Madurai and died subsequently. It is the specific case of the petitioner, since the respondent did not put up protective wall, the accident had occurred. Though the petitioner sent a legal notice on 23.10.2013 followed by another representation dated 06.01.2014, nothing fructified resulting in filing of this Writ Petition.

3. The learned Standing Counsel appearing for respondent herein through his counter affidavit submitted that due to the mistake and carelessness of the deceased, the accident had happened for which the respondent Corporation is not responsible to pay compensation. The sum and substance of the respondents are that there is no negligence on the part of the respondent as alleged by the petitioner in this Writ Petition.

4. At this juncture, the learned counsel for the petitioner would submit that the petitioner has shoot a representation to the District Collector, Madurai, on 18.04.2015 seeking compensation. He would state that it would be suffice if the representation of the petitioner is disposed of by the District Collector, Madurai, within the time stipulated by this Court.

<https://hcservices.ecourts.gov.in/hcservices/> In view of the subsequent development, though the District Collector, Madurai District, is not a party herein, this Court, taking note of the factual aspects that the petitioner has lost the sole



breadwinner of her family, *suo motu* impleads the District Collector, Madurai, as one of the respondents. Therefore, the representation submitted by the petitioner shall be considered by the District Collector, Madurai. The petitioner is directed to send a copy of the said representation along with a copy of this order now passed in this Writ Petition to the District Collector, Madurai District, who on receipt of the same shall pass appropriate orders, after giving an opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of the representation as well as the order of this Court.

Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

i) The Commissioner,
Madurai Corporation,
Anna Malikai, Thallakulam,
Madurai.

ii) The District Collector,
Madurai, Madurai District.

+1cc to Mr.R.Saravanan,Advocate, SR.No.21435

+1cc to Mr.R.Murali,Advocate, SR.No.22527

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ssm

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