



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.8334 of 2011

Kadarkaraiyandi

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep by its Secretary,
Health Department,
Secretariat, Chennai 600 009.

2.The Secretary to Government,
Municipal Administration and Water Supply
Department, Government of Tamil Nadu,
Secretariat, Chennai 600 009.

3.The District Collector cum District Magistrate,
Tirunelveli District.

4.The Executive Officer,
Ervadi Town Panchayat,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents to grant compensation to the petitioner for the death of his wife namely Swarnam and family members of four dead persons namely Rahmal Beevi, W/o. Mohamed Asanar, Mary doss, W/o. Thomas, Rathinam, W/o. Arumugam Mohideen Thalaipitchai, who lost their family members due to supply of polluted drinking water supplied by the Respondent No.4 and other victims who affected by the polluted drinking water and water contamination in Ervadi Panchayat Union, Nanguneri Taluk, Thirunelveli District.

For Petitioner	: No appearance
For Respondents 1-3	: Mr.A.K.Baskarapandian, Special Government Pleader.
For 4 th Respondent	: No appearance

ORDER(Order of the Court was made by **R.SUDHAKAR,J.**)

The petitioner seeks compensation for the death of his wife Swarnam and for some other persons stating that due to contaminated drinking water supply by the fourth respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

2.When the matter came up on 29.07.2011, this Court ordered

notice of motion. On such notice, the third respondent has filed a counter affidavit, during August 2011. In the counter affidavit, it has been stated as follows:

"3.I respectfully state that at the outset the respondents express deep regret to the petitioner for demise of his wife and to the relatives of those who have lost their kin in the incident, but at the same time, the respondents were in no way connected with their demise.

4.I respectfully state that drinking water to people of Eruvadi Town Panchayat is being supplied from Thamiraparani and Nambiyaru River after taking all precautionary measure to ensure that free and unpolluted water is supplied to the public. We have also been conducting regular cleaning of overhead tank and the pipe line and as such the allegation made by the petitioner is in this regard is denied as false. The allegation made by the petitioner that the people at large suffered by the drinking water of polluted water are denied. People are regularly being advised by the respondents to drink the water after boiling the same. At any point of time, no contaminated water was supplied to the public and strict instruction has been issued to the workers of the 4th respondent to take utmost efforts to ensure supply of clean and hygienic water.

5.I respectfully state that the lab test was being conducted regularly as to testify the portability of the drinking water. The Executive Officer, Eruvadi Town Panchayat had sent the sample water to TWAD Board on 02.06.2010 and after conducting series of laboratory test a positive result has been issued regarding the portability of the water on 11.06.2010 and as such the allegation made by the petitioner is neither by the report of water analysts attached with TWAD Board. I have taken sincere efforts to ensure the supply of unpolluted water to the public and whenever complaint is received in this regard, the same is being looked into instantly and as such liability of negligence cannot be fastened on the respondents.

6.I respectfully state that even after the incident said to have been taken place in Eruvadi Panchayat, samples were sent to the laboratory for conducting test and the report positively indicate the portability of the water supplied by the 4th respondent in his limit. So far as the allegation in para 12 of the petitioner's affidavit, it is denied that the doctors in Mercy Hospital were forced to give certificate to the effect that the reason for the death of the petitioner's wife is an asphexical death. As long as the said medical report stands valid the petitioner cannot blame the respondents. The other allegation made by the petitioner in this para is also stoutly denied.

7.I respectfully submit that the petitioner has failed to give any convincing reason to show that the cause for the death of the person was due to drinking of alleged contaminated water supplied by the 4th respondent. The 4th respondent has been taking all diligent steps to ensure supply of clean and hygienic water. I do not submit any negligence in discharging his official function. Since the cause for the death of the petitioner's wife and others were not proved as due to drinking of alleged



contaminated water supplied by the respondent hence the question of paying compensation does not arise.

.....

9.I respectfully state that the alleged incident took place in the month of June 2010 and as such the contention of the petitioner to constitute an expert committee to conduct enquiry into the portability of the water supplied by the 4th respondent after lapse of 1 year does not have any merit in view of the categorical report submitted by the TWAD Board".

3.In the light of the stand taken by the third respondent, we are not inclined to entertain this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, M.P(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

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To

1.The Secretary,
State of Tamil Nadu,
Health Department,
Secretariat,
Chennai 600 009.

2.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Government of Tamil Nadu,
Secretariat,
Chennai 600 009.

3.The District Collector cum District Magistrate,
Tirunelveli District.

4.The Executive Officer,
Ervadi Town Panchayat,
Tirunelveli District.

+1CC to Mr.R.Alagumani Advocate Sr.No.55305

GJM/SKS/RR/6.10.15-3P-6C

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