

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.35264 of 2016

and

W.M.P. No.30375 of 2016

S.Rajalakshmi Petitioner

Vs.

1. The Commissioner,
Corporation of Chennai,
Ribbon Building,
Chennai.

2. The Assistant Executive Engineer/O & M,
TANGEDCO, Sembium,
110, K.V. S.S.Opp to Simpson Office,
Chennai - 600 011.

3. Govindarajan

4. Ponnusamy Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue an appropriate order or direction or Writ of Mandamus to direct the respondents to pay compensation of Rs.10,00,000/- to the petitioner for her loss of Left Hand and Head Injury due to the accident held on 13.01.2016 at the 3rd respondent's house as per her representation dated 07.03.2016.

For Petitioner : Mr.R.Karunakaran

For Respondents: Mr.P.V.Selvakumar,
Additional Government Pleader for R1
Mr.P.R.Dhilipkumar,
Additional Government Pleader for R2

O R D E R

The Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to pay compensation of Rs.10,00,000/- to the petitioner for loss of her Left Hand and Head Injury due to the accident held on 13.01.2016 at the 3rd respondent's house, as per her representation dated 07.03.2016.

2. The petitioner, being a Construction worker, is alleged to be engaged by the fourth respondent to do house construction of the third respondent at No.2/3, Anna Salai, Erukkanchery, Kodungaiyur for the construction of the second floor roof. The roof centering work was done in the second floor. Above the second floor, electric main wire was running within 3 feet. While working, all of sudden, the main wire hit the petitioner's hand and she suffered injury in the head, left hand back side and swooned their itself. The petitioner was taken to the General Hospital. An FIR was registered in Crime No.49 of 2016 dated 14.01.2016 on the file of P-6 police Station, Kodungaiyur, Chennai - 600 118 and the case was registered under section 337 of I.P.C. against Govindarajan, being the house owner viz., the third respondent and also against the fourth respondent. The petitioner was discharged from the hospital on 18.02.2016. Due to the said accident, the petitioner has lost her left hand. The injuries suffered by the petitioner is at the rate of 80%. Hence according to the petitioner, the respondents are liable to pay compensation to the tune of Rs.10,00,000/-. In this regard, the petitioner has submitted her representation on 07.03.2016. It is the grievance of the petitioner that though the respondents have received the same, till date, there is no response. Hence, the petitioner has sent a legal notice to the respondents on 11.04.2016 to pay the said compensation. Since there is no response the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and perused the materials on record.

4. It seems the petitioner can claim compensation against the third and fourth respondents under the Workmen's Compensation Act. At this stage, the learned counsel for the petitioner sought the permission of this Court to withdraw the Writ Petition with liberty to approach the Commissioner for Workmen's Compensation and he has also made an endorsement to that effect.

5. In view of the same, this Writ Petition is dismissed as withdrawn with liberty to the petitioner to approach the Workmen's Compensation Commissioner to proceed against third and fourth respondents.

No costs. Connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi2

To

1. The Commissioner,
Corporation of Chennai,
Ribbon Building, Chennai.
2. The Assistant Executive Engineer/O & M,
TANGEDCO, Sembium,
110, K.V. S.S.Opp to Simpson Office,
Chennai- 600 011.

+ cc to M/s.P.V.Selvakumar Advocate sr 57416
+1 cc to M/s.R.Karunakaran Advocate sr57310

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