

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.43285 of 2016

A.Ravichandran @ Ravi

.. Petitioner

Vs

The Assistant Commissioner /
District Revenue Officer,
Zone-14, No.6/64, Ullagaram,
Pulithivakkam,
Corporation of Chennai,
Chennai - 91 . .. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records of the impugned notice of the respondent in Na.Ka.No.3020/2016 H.1, dated 27.04.2016 signed on 15.11.2016 and quash the same pass such further orders.

For petitioner : Mr.J.Sudhakaran
For Respondents : Mr.K.Venkataramani, AAG
Assist. By Mr.P.V.Selvakumar

ORDER

By way of filing this writ petition, the petitioner seeks to quash the impugned proceedings dated 27.04.2016 of the respondent, in and by which, the petitioner was directed to pay a sum of Rs.10,00,000/- to one Mrs.Adhilakshmi, wife of Late Narasimhan, as compensation due to the death of said Narasimhan while cleaning the drainage of the petitioner's house.

2. Learned counsel for the petitioner submitted that the petitioner's father G.Arumugam had purchased a vacant land bearing Plot No.19, comprised in Survey No.254/2 part, to an extent of 2550 sq.ft., situated at Kottivakkam Village, Saidapet Taluk, Chennai, on 07.05.1980. A portion of the said land i.e. to an extent of 2190 sq.ft. has been settled in favour of the petitioner, vide Settlement Deed dated 31.08.2005. Whiles, now, all of a sudden, the respondent has issued the impugned proceedings dated 15.11.2016 directing the petitioner to pay a

sum of Rs.10,00,000/- as compensation to one Mrs.Adhilakshmi, due to death of her husband on 26.08.2001 while cleaning drainage in the petitioner's house.

3. According to the petitioner, the alleged incident took place while his father was alive in the above said property and thereafter, his father also died on 15.03.2010 and it is also stated that his father also paid the compensation to the family members of the said deceased Narasimhan. Thus, it is contended, after a period of 15 years, now, the respondent has issued impugned proceedings dated 15.11.2016, that too, without issuing any prior notice or holding an enquiry to ascertain whether such incident had been taken place. Hence, he pleaded, such impugned proceeding of the respondent is liable to set aside on the ground of violation of the principles of natural justice.

4. On the other hand, learned Additional Advocate General appearing for the respondent, by producing a copy of the postmortem report dated 27.08.2001, submitted that the deceased died due to drowning into the drainage of the petitioner's house. Moreover, an FIR was also registered on the file of the C2 Neelankarai Police Station in Cr.No.642/2001 under Section 174 of IPC, in which, it is stated that the deceased died while cleaning the drainage in the petitioner's house. Thus, learned Additional Advocate General stated that on the basis of FIR as well as the postmortem report, the present impugned proceeding was passed by the respondent directing the petitioner to pay a sum of Rs.10,00,000/- to the wife of deceased as compensation.

5. Heard the learned counsel appearing on either side.

6. No doubt, a copy of the postmortem report as well as the First Information Report would clearly indicate that the deceased Narasimhan died while cleaning the drainage situated in the petitioner's house. But, this Court is unable to appreciate the impugned proceedings dated 15.11.2016 passed by the respondent directing the petitioner to pay a sum of Rs.10,00,000/- as compensation to the family members of the deceased, for, before passing the impugned proceedings, the authority did not issue any prior notice nor conducted any enquiry to ascertain whether any such incident had occurred as alleged by one Mrs.Adhilakshmi, wife of Late Narasimhan, Thus, on this score, in my view, the impugned order is wholly untenable in law. Learned Additional Advocate General for the respondent has also fairly submitted that no enquiry was held to ascertain such factum.

7. Therefore, for the reasons stated above, the impugned order is liable to set aside and accordingly, the same is set aside. However, considering the peculiar facts and circumstances of the case, this Court gives liberty to the respondent to issue notice to the petitioner calling for an explanation from him and thereafter, the said authority is directed to proceed in accordance with law, without uninfluenced by any of the observations of this Court.

8. In fine, the writ petition is allowed. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Assistant Commissioner /
District Revenue Officer,
Zone-14, No.6/64, Ullagaram,
Pulithivakkam,
Corporation of Chennai,
Chennai - 91 .

+lcc to Mr.P.V. Selvakumar, Advocate, S.R.No.7667
+lcc to Mr.J. Sudhakaran, Advocate, S.R.No.7837

ev(CO)
md(01/03/2017)

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