



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2017

CORAM:

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**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

W.P (MD) Nos.7181 and 7182 of 2013

1.Chandra .. Petitioner in W.P (MD) No.7181 of 2013  
2.Soosaimuthu @ Joseph .. Petitioner in W.P (MD) No.7182 of 2013

**Vs.**

1. The Divisional Engineer (Highways),  
NABARD and Village Roads,  
Maharaja Nagar, Tirunelveli - 11.

2. The Chief Engineer,  
High ways Department,  
Chepak, Chennai-5.

3. The Secretary to Government,  
Department of Highways,  
Government of Tamilnadu,  
Fort St. George, Chennai.

.. Respondents  
in both W.Ps.

**PRAYER in W.P (MD) No.7181 of 2013:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.30 lakhs as compensation to the petitioner on account of the unfortunate death of her son Joseph Gold Winster (aged 22 years) by way of accident near the works for construction of a bridge in between Adaikalapattinam and Salaiputhur Villages in Tirunelveli - Tenkasi Main Road (SH 39) in Tirunelveli District due to the negligence of the officials of the respondents and to take both departmental and criminal action against the concerned officials for their negligence.

**PRAYER in W.P (MD) No.7182 of 2013:** Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay a sum of Rs.20 lakhs as compensation to the petitioner on account of the unfortunate death of his son Anandakumar (aged 22 years) by way of accident near the works for construction of a bridge in between Adaikalapattinam and Salaiputhur Villages in Tirunelveli - Tenkasi Main Road (SH 39) in Tirunelveli District due to the negligence of the officials of the respondents and to take both departmental and



criminal action against the concerned officials for their negligence.

For Petitioner : Mr.V.Kannan  
in both W.Ps.

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For Respondents : Mr.T.S.Mohammed Mohideen,  
in both W.Ps. Additional Government Pleader.

### COMMON ORDER

These writ petitions are filed seeking a writ of Mandamus, to direct the respondents to pay a sum of Rs.30 lakhs and Rs.20 lakhs as compensation to the petitioners, on account of the unfortunate death of their sons, namely Joseph Gold Winster and Anandakumar respectively, by way of accident, near the works for construction of a bridge in between Adaikalapattinam and Salaiputhur Villages in Tirunelveli - Tenkasi Main Road (SH 39), Tirunelveli District, due to the negligence of the officials of the respondents and take both departmental and criminal action against the concerned officials for their negligence.

2.Heard both sides.

3.The case of the petitioners is that on 01.09.2012, at about 04.30 a.m., when the petitioners' sons, namely, Joseph Gold Winster and Anandakumar, were coming in two different motor cycles bearing Registration Nos.TN-72-AD-3922 and TN-72-AE-4737, from Courtallam to Tirunelveli, near the construction of a bridge in between Adaikalapattinam and Salaiputhur Villages in Tirunelveli - Tenkasi Main Road (SH 39), Tirunelveli District, dashed against the bridge constructions and fell down and both of them were taken to Tirunelveli Medical College Hospital and died in the Hospital and a case has been registered in Crime No.265 of 2012, under Sections 279, 337 and 304-A I.P.C. on the file of Pavoorchatram Police Station. According to the petitioners, due to lack of safety and precautionary measures in the place of occurrence, the accident had occurred and therefore, the respondents are liable to pay compensation to the petitioners. Hence, the petitioners made representations, dated 20.03.2013, to the respondents, seeking compensation for the death of their sons. Since, the same have not been considered so far, the petitioners are before this Court.

4.The learned counsel appearing for the petitioners would submit that it would be suffice, if the representations of the petitioners, dated 20.03.2013, are directed to be disposed of, by the respondents, as per law.

5.Considering the limited scope of the relief sought for, this Court, without going into the merits of the petitioners' claim, directs the respondents to consider the representations of the



petitioners, dated 20.03.2013, and pass appropriate orders on its own merit and in accordance with law, after affording due opportunity of hearing to the petitioners as well as any of the interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

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6.The writ petitions are disposed of as above. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

**To**

1. The Divisional Engineer (Highways),  
NABARD and Village Roads,  
Maharaja Nagar,  
Tirunelveli-11.

2. The Chief Engineer,  
High ways Department,  
Chepak, Chennai-5.

3. The Secretary to Government,  
Department of Highways,  
Government of Tamilnadu,  
Fort St. George, Chennai.

+ 2 CC TO Mr.V.KANNAN, ADVOCATE IN SR No. 89477, 89476  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 89971

SMN

TE/SV-MMS/SAR-1 : 18/12/2017 : 3P/7C

COMMON ORDER MADE IN  
W.P (MD) Nos.7181 and 7182 of 2013  
24.11.2017