

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 16.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE V.PARTHIBAN****W.P. (MD) No.22079 of 2017**

M.S.K.Sethu Maathavan

... Petitioner

vs.

1. The Secretary
Public Works Department
Secretariat
St.George Fort, Chennai-9
2. The Chief Engineer
Building Maintenance
Public Works Department
Madurai Region
Tallakulam, Madurai District
3. The Executive Engineer (Civil)
Public Works Department
Tallakulam, Madurai District
4. The Executive Engineer (Electrical)
Public Works Department
Tallakulam, Madurai District
5. The Registrar Administration
Madurai Bench of Madras High Court
Madurai District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents 1 to 4 herein to consider the petitioner's representation dated 09.10.2017 and 20.09.2017 and pass necessary orders to sanction compensation to the tune of Rs.3,50,000/- for the loss and mental agony caused due to fire accident dated 15.09.2017 in High Court Staff Quarters in D-1 Block, Door No.5, High Court Staff Quarters, Press Colony Road, Mattuthavani, Madurai District, within a stipulated time.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.M.Jeyakumar

<https://hcservices.ecourts.gov.in/hcservices/>Additional Government Pleader for R1 to R4
Mr.T.S.Mohamed Mohideen for R5

O R D E R

The prayer in this writ petition is to direct the respondents 1 to 4 to consider the petitioner's representations, dated 20.09.2017 and 09.10.2017 and pass necessary orders to sanction compensation to the tune of Rs.3,50,000/- for the loss and mental agony caused due to the fire accident, which took place on 15.09.2017 in the quarters occupied by him.

2. The petitioner is a staff of Madurai Bench of Madras High Court and he has approached this Court with the above prayer. According to him, it was entirely due to the negligence on the part of the respondents 1 to 4, the fire accident took place. According to him, there was a leakage of electricity, which led to the fire accident, for which the respondents 1 to 4 are responsible and therefore, the petitioner was entitled to pay compensation.

3. This Court considered the contentions put forth on behalf of the respondents and is of the view that the quantification of compensation can be arrived at only on the basis of oral and documentary evidence to be let-in by the parties in a proper trial and such a quantum as prayed for cannot be decided by this Court which exercising special jurisdiction under Article 226 of the Constitution of India. Therefore, it is open to the petitioner to approach the competent Civil Court to claim adequate damages, in case he is able to establish his claim as against the respondents 1 to 4 and it is certainly not open to him to approach this Court exercising special jurisdiction under Article 226 of the Constitution of India. Hence, this Court is of the view that the writ petition is not maintainable and the same is, therefore, dismissed. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Secretary,
Public Works Department,
Secretariat,
St.George Fort, Chennai-9.
2. The Chief Engineer,
Building Maintenance,
Public Works Department,
Madurai Region,
Tallakulam, Madurai District.



3. The Executive Engineer (Civil),
Public Works Department,
Tallakulam, Madurai District.

4. The Executive Engineer (Electrical),
Public Works Department,
Tallakulam, Madurai District.

- + 1 cc TO Mr.D.Nallathambi , Advocate in SR No. 79030
- + 1 cc TO Mr.T.S.Mohamed Mohidheen , Advocate in SR No. 79014
- + 1 cc TO The Special Government Pleader in SR No. 79085

krk

AE/MK/SKN/SAR1/03.09.2018/3P/8C

W.P. (MD) No.22079 of 2017
16.08.2018