



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.42996 OF 2016

AND

W.M.P.NO.36847 OF 2016

A.Mohamed Farook

...Petitioner

Vs

1. State Represented by its Chief Secretary,  
Pondicherry Government,  
Pondicherry.
2. The Secretary,  
Puducherry Sports Council,  
Indira Gandhi Sports Complex,  
Puducherry.
3. The Secretary,  
Education Department,  
Puducherry.
4. The Principal,  
Petit Seminaire Hr. Sec.School,  
Puducherry.
5. The Security Officer,  
Pondicherry State Sports Council,  
Puducherry.
6. S. Sundarajan, President,  
Puducherry Amateur Athletic Association,  
Sorna Villa, No.34, Kauvery Street,  
Ashok Nagar, Lawspet,  
Puducherry -8.
7. G.Xavier, Secretary,  
Puducherry Amateur Athletic Association,  
No.13, School Street, Govinda Salai,  
Puducherry-11.
8. J. Premkumar, Treasurer,  
Puducherry Amateur Athletic Association,



No.32, Vinayakar Koil Street,  
Delarshpet, Puducherry- 9.

9. The Station House Officer,  
Orian Salai Police Station,  
Puducherry.

... Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 1 to 5<sup>th</sup> respondents to give a compensation of Rs.50,00,000/- (Rupees Fifty Lakhs Only) to the petitioner.

For Petitioner :Mr.T.Muthukrishnan

For Respondents :Mr.J.Kumaran  
AGP (Puducherry)  
[For R1 to R3 and R5]

Mr.K.Ashok Kumar  
For Mr.C.Sunderesan  
[For R6 to R8]

No appearance  
[For R4 and R9]

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 to 5 to give a compensation of Rs.50,00,000/- (Rupees Fifty Lakhs Only) to the petitioner.

2. The petitioner states that his son Mr.Mohammed Suhail was studying in 11<sup>th</sup> Standard at Petit Seminaire Hr. Sec., School, Puducherry and he was an Athletic Sports person and doing the Athletic practice - 3 hours per day for the past 3 years. The petitioner states that he spent lot of money and time for his son's ambition. The petitioner states that his son had a dream to participate in Olympic representing our Country. The son of the petitioner participated in the 29<sup>th</sup> Annual State Athletic Championship on 21.02.2016 and nearly about 1000 sports persons participated.

3. At the time of 1500 Mtrs Running Race, the son of the petitioner had fallen on the track while running. The grievances of the petitioner is that no one came forward to help his son for more than 10 minutes. The petitioner states that due



to the carelessness and willful negligence of the respondent, his son died.

5. The very fact stated in the affidavit filed in respect of the petitioner reveals that the son of the petitioner did not get medical assistance for about 10 minutes. The reasons for delay of 10 minutes is to be established based on the facts and circumstances which prevailed in the Stadium while the petitioner's son was participating in the event. However, it is an admitted fact there was no enormous delay in providing medical assistance to his son. Thereafter the petitioner's son was taken to the Hospital through an auto immediately.

6. The learned counsel for the petitioner states that there was no Ambulance readily available within the stadium campus and if at all the Ambulance was stationed in the Stadium, immediate medical assistance would have been provided.

7. This Court is of the considered opinion that many such competitions are being conducted at various level by the competent authorities in many places. It may not be practically possible to provide Ambulance in all the Stadiums and however, Ambulance Services are provided in strategic places and such services will be provided based on the urgency. However, the claim of the petitioner that the Ambulance Services should have been provided in the Stadium itself may not be a practical solution and accidents are happening day in and day out and sometimes it became a destiny and the human assistance may not be of any help or avail in such circumstances. It is an act of God on some occasions, when a sports person are performing the events. All these factors are to be considered while grant of compensation. Mere accusations will not be of any avail to the petitioner. The practical situation, efforts taken and the cause for death, are to be established. However, such an elaborate adjudication cannot be undertaken in a writ proceedings by the High Court.

8. The petitioner claims compensation of Rs.50,00,000 (Rupees Fifty Lakhs). Because there is no fixed Court Fee in the writ proceedings, such an ex-orbitant compensation are sought for, which cannot be appreciated by this Court. Every person aggrieved are expected to come with truthful statements and in a reasonable manner. However, this Court is of the opinion that such disputed issues cannot be adjudicated for the purpose of grant of compensation.

9. Perusal of the facts and circumstances would reveal that it is not a fit case for granting compensation in a writ proceedings. However, the right of the petitioner need not be dispensed with and therefore, the petitioner is at liberty to



approach the competent civil Court of law to decide the issues based on the evidences made available.

10. With this liberty, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nti/ars

To

1. The Chief Secretary,  
Pondicherry Government, Pondicherry.
2. The Secretary,  
Puducherry Sports Council,  
Indira Gandhi Sports Complex,  
Puducherry.
3. The Secretary,  
Education Department, Puducherry.
4. The Principal,  
Petit Seminaire Hr. Sec.School,  
Puducherry.
5. The Security Officer,  
Pondicherry State Sports Council,  
Puducherry.
6. The Station House Officer,  
Odiyan Salai Police Station,  
Puducherry.

+1cc to Mr.C.Sunderesan, Advocate, S.R.No.52073  
+1cc to Mr.T.Muthukrishnan, Advocate, S.R.No.52395  
+1cc to the Government Pleader, S.R.No.52168

W.P.No.42996 of 2016

KG(CO)  
PM/26/10/2021