



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH
W.P.No.4154 of 2017

K.Pechumuthupandiyan

...Petitioner

Vs.

1.The Commissioner,
HR & CE Department,
119, Uthamar Gandhi Salai,
Nungambakkam, Chennai-34.

2.The Chairman, TANGEDCO,
10th floor, NPKRR Maligai,
144, Anna Salai, Chennai-600 002.

3.The District Collector,
Chennai District, Chennai.

4.The Joint Commissioner,
Thiruchendhur Arulmigu Subramaniasamy temple,
Thiruchendhur, Tuticorin District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of mandamus directing the respondents to provide the compensation of sum of ten lakhs to the petitioner.

For Petitioner : No Appearance

For Respondents: Mr.NRR.Arun Natarajan (for R1)
Government Advocate

Mr.Wilson Topaz (for R4)
for M/s.A.S.Kailasam Associates

No Appearance (for R2 & R3)

O R D E R

The petitioner is called absent and there is no representation for R2/Chairman, TANGEDCO, though the name of R2 is printed in the cause list.

2.Heard Mr.N.R.R.Arun Natarajan, learned Government Advocate for Commissioner, HR&CE Department/R1 and Mr.Wilson Topaz, learned counsel for Joint Commissioner/Thiruchendhur



Arulmigu Subramaniasamy Temple/R4. No representation for District Collector/R3 as well.

3.The petitioner prays for a mandamus directing the respondents to provide compensation of a sum of Rs.10 lakhs to him. The mandamus is sought in view of the following facts:

(i) the petitioner and his parents had visited the temple in question on 22.02.2012, while approaching the Valli cave. The petitioner's father took hold of the metal banister on two sides of the steps, was electrocuted and taken to the Thiruchendhur Government Hospital where he was declared, brought dead.

(ii) Even, according to the petitioner, the Electricity Board had been erecting street and ceiling lights at that particular time and the electrical wires had been lying haphazardly. Thus, the petitioner attributes mis-management and negligence to both TANGEDCO as well as the temple, leading to his father's untimely demise.

(iii) A representation was filed in 2015 considering which the temple has, on humanitarian basis, handed over an amount of Rs.1.55 lakhs as compensation to the petitioner. This has been followed by the present writ petition filed in February 2017 seeking further compensation, quantified at a sum of Rs.10 lakhs.

4.Learned counsel for the temple would point out that no documents have been filed in support of the facts averred by the petitioner and that the temple has discharged its moral responsibility by paying Rs.1.55 lakhs.

5.In the facts of the aforesaid case, I am of the considered view that it would suffice that the petitioner be permitted to make a representation before R2 and R4 setting forth his request for compensation and it is up to those respondents to consider the same in a proper manner. Granting this liberty, as the mandamus, as sought for by the petitioner, cannot be granted by this Court, this writ petition is closed. No costs.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar



To

1. The Commissioner,
HR & CE Department,
119, Uttamar Gandhi Salai,
Nungambakkam, Chennai-34.

2. The Chairman, TANGEDCO,
10th floor, NPKRR Maligai,
144, Anna Salai, Chennai-600 002.

3. The District Collector,
Chennai District, Chennai.

4. The Joint Commissioner,
Thiruchendhur Arulmigu Subramaniasamy temple,
Thiruchendhur, Tuticorin District.

+1 CC to Mr.A.S. Kailasam, advocate sr 34811.

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PL(CO)
SP(02/09/2021)