



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.19757 of 2011

&

M.P.No. 1 of 2011

1. S.Radha

2. Minor S.Kirthika

3 Minor S.Sanjay

4. K.Suseela

(Minor Petitioners 2 and 3 are
Rep.by their Next Friend And Natural
Guardian the 1st Petitioner herein)

...Petitioners

-Vs-

1. The Collector,
Kancheepuram District,
Kancheepuram-631 501.

2. The Commissioner,
Kancheepuram Municipality,
Kancheepuram-631 501.

3. J.Annamalai, Municipal Contractor,
No.27, Gokulam Street,
Little Kancheepuram-631 503,
Kancheepuram District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Notice in Roc.No.8285/2010.E1 dated 6.4.2011 on the file of the second respondent herein and to quash the same and directing the respondents to pay the petitioners a just and reasonable compensation for the death of K.Sundaraj who died on 21/22.10.2010 while cleaning and removing the blockage in the drainage system in the junction at Putheri Street-Egambaranathar Temple, Sannathi Street, Kancheepuram, as may



ground drainage and suffer death due to attack of noxious vapour. Even assuming that the 2nd respondent / Municipality has engaged for carrying out such manual scavenging works through labour contractors, they have to pay the compensation and recover it from the contractor. As a principal employer, they cannot disown the untoward incident and decline to make the compensation.

7. During the course of arguments, the learned Government Pleader would submit that the case of one Selvam versus District Collector and others, in W.P.No.40593 of 2016 dated 18.11.2021, this Court awarded a compensation of Rs.5,00,000/- (Rs. Five Lakhs only) for the death of the person in public place. In the present case, this Court finds that deceased person was survived by his wife and 2 minor children aged about 4 years and 1 year at the time of death and his aged mother. Even today, the children remain minor and considering the future of the minor children as well as widow wife and mother, this Court considers it just to award a compensation of a sum of Rs.5,00,000/- (Rs. Five Lakhs only).

8. The respondents 1 and 2 are directed to disburse a sum of Rs.5,00,000/- (Rs. Five Lakhs only) as compensation towards untimely death of the late Sundaraj within a period of 8 weeks from the date of the receipt of a copy of this order. Insofar as the minors are concerned, a further direction is issued to deposit a sum of Rs. 1,50,000/- (Rs. One Lakh Fifty Thousand only) each (i.e., Rs.3,00,000/-) in a recurring deposit in a nationalised bank near to the residence of the mother and guardian till they attain majority. The 1st petitioner/ wife and the 4th petitioner/ mother are entitled to a sum of Rs.1,00,000/- (Rs. One Lakh only) each out of the total compensation of a sum of Rs.5,00,000/- (Rs. Five Lakhs only).

9. Accordingly this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

1. The Collector,
Kancheepuram District,
Kancheepuram-631 501.
2. The Commissioner,
Kancheepuram Municipality,
Kancheepuram-631 501.
3. J.Annamalai,
Municipal Contractor, No.27 Gokulam Street,
Little Kancheepuram-631 503,
Kancheepuram District.

+1 CC to Mr.P. Raja, Advocate sr 15327
+1 CC to The Government Pleader sr 16257.

W.P.No.19757 of 2011
&
M.P.No. 1 of 2011

KV(CO)
SP(01/06/2022)