



W.P.No.10339 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.10339 of 2019

B.P.Manivelan

... Petitioner

Vs

1.The Chief General Manager,
Technical and Residential Officers,
Chennai Region,
National Highway Authority of India,
Sri Tower, 3rd Floor,
DP-43, (SP) Industrial Estate,
Guindy, Chennai – 600 032.

2.M/s.Artefact Projects Limited,
Artefact Towers,
No.54/3, Chatrapati Square,
Wandha Road, Nagpur – 440 015.
Mumbai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the first respondent herein to recover the compensation to the sum of Rs.20 lakhs from the 2nd respondent and pay to the petitioner for the accident occurred due to the negligence of the second respondent by poor non maintenance of National Highways at Poonamallee bye pass by considering the petitioner's legal notice dated 21.04.2018.



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For Petitioner : Mr.D.Nandagopal

For Respondents : No Appearance

ORDER

There is no representation on behalf of the respondents.

2.Earlier an interim order dated 18.03.2022 was passed to receive counter upon proof of payment of costs of Rs.1000/- payable to Cancer Institute, Adyar, Chennai. Till date no counter has been filed by the respondents.

3.The petitioner has sought for compensation for a sum of Rs.20,00,000/- (Rupees Twenty lakhs) from the second respondent engaged by the first respondent for maintaining the National Highways at Poonamallee bye pass.

4.The petitioner claims that he met with an accident on 27.12.2017 at about 11.30 pm while riding his motor bike bearing registration No.TN 57 H 0997- Hero Honda Splendor. It is submitted that the petitioner fell



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down from his bike and got injured. As a result of which, his right hand shoulder was dislocated and his left hand wrist was fractured with multiple wounds all over his body. The petitioner was taken to MIOT Hospital, Poonamallee and given treatment.

5.It is further submitted that Poonamallee, Bangalore National Highway Road was maintained by the second respondent. The petitioner met with the above injuries. Therefore, the petitioner now claims compensation for a sum of Rs.20,00,000/- (Rupees Twenty lakhs) However, the petitioner has not filed any document to substantiate that the petitioner is entitled for the aforesaid compensation of Rs.20,00,000/- (Rupees Twenty lakhs) on account of the injuries suffered by the petitioner.

6.The 1st respondent/Highways appears to have entrusted the Contract/work of maintenance of the road to the 2nd respondent/M/s.M/s.Artefact Projects Limited, as it evident from the RTI response obtained by the petitioner on 27.03.2018. In a legal notice issued by the petitioner himself as a party-in-person on 21.04.2018, the



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petitioner has attempted to fix the liability on the respondents. The second respondent has replied to the said notice on 01.06.2018 stating that the second respondent was a contractor. Whereas, the RTI information obtained by the petitioner on 27.03.2018, shows that the second respondent was awarded the contractor by the first respondent.

7.Considering the same, I am inclined to dispose this writ petition by directing the first respondent to pay the compensation to the petitioner in terms of the formula that are applicable for payment of compensation to victims of road accident under the provisions of the Motor Vehicle Act, 1988 and recover the same from the second respondent/Contractor after proper verification of facts regarding the accident and injury suffered by the petitioner. This exercise shall be carried out by the first respondent within a period of three months from the date of receipt of a copy of this order. The petitioner is at liberty to submit a calculation chart based on the formula under the provisions of M.V. Act, for awarding compensation for the injuries suffered together with requisite documents.



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8.This writ petition stands disposed of with the above observations.

No costs.

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Index : Yes/No
Speaking/Non-Speaking Order
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To

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C.SARAVANAN, J.

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