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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

W.P.No.20158 of 2013
and
M.P.No.1 of 2013

P.Arumugam

Vs.

... Petitioner

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

3.M/s.Chennai Packages and Insulation,
No.262/01, Mettukuppam Road,
Maduravoyal, Chennai - 600 095.

... Respondents

PRAYER: The Writ Petition has been filed under Section 226 of the Constitution of India praying to issue Writ of Mandamus, directing the first and second respondents to take action on the third respondent based on the petitioner's representation dated 31.07.2012.

For Petitioner : Mr.S.Vijayakumar

For R1 : M/s.M.Rajendiran
Additional Government Pleader

For R2 : M/s.Manimegalai
Standing Counsel

For R3 : No appearance

O R D E R

This Writ Petition has been filed to direct the first and second respondents to take action on the third respondent based on the petitioner's representation dated 31.07.2012.



2. The third respondent is running a factory at Mettukuppam Road, Maduravoyal, near to the petitioner's residence. In the course of manufacturing process, the third respondent company let out hot effluent and put up a hot water tank to facilitate draining of effluent water into the water tank. Whenever, the manufacturing process is being carried, there is continuous flow of hot effluent into the tank. The factory premises is not covered by compound wall and no safety measures were provided around those hot water tanks. On 22.06.2012 at about 6.00 pm, the petitioner's son fell into the tank and suffered death on account of the hot water. The petitioner made a representation to the respondents 1 and 2 for taking appropriate action to ensure safety measures to the public at large and to avoid such fateful incident as that of his son's death. In spite of the same, no action was taken.

3. The learned Standing Counsel for the second respondent would submit that the third respondent being a factory, will fall under the control of Inspector of Factories.

4. Heard the submissions made on the either side. From the perusal of the materials placed before this Court, it is noted that the factory has constructed drainage tanks outside its premises. These drainage tanks are at ground level without any protection or safety measures. Admittedly, an FIR was filed due to the death of the petitioner's son which shows that the boy fell into the tank and died due to hot water. Therefore, the issue is a very sensitive one which affects the safety of the citizens of that area. In spite of the representation made by the petitioner, no action was taken by the official respondents till date.

5. Considering the pathetic situation, this Court is of the considered view that the respondents 1 and 2 shall be directed to take immediate action with respect to the safety measures for preventing further untoward incidents.

6. Hence a direction is given to (i) the District Collector, Thiruvallur District, (ii) the Commissioner, Corporation of Chennai, (iii) the Inspector of Factories and (iv) the Secretary to the Labour Department, to immediately conduct an inspection in all respects of the factory premises of the third respondent at No.262/01, Mettukuppam Toad, Maduravoyal, Chennai - 600 095 and take appropriate action including the payment of compensation to the deceased boy's family, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

Pns

To

1.The District Collector,
Thiruvallur District,
Thiruvallur.

2.The Commissioner,
Corporation of Chennai,
Chennai - 600 003.

3.M/s.Chennai Packages and Insulation,
No.262/01, Mettukuppam Road,
Maduravoyal, Chennai - 600 095.

4.The Secretary, Labour Department,
Fort.St.George, Chennai-9.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.10869
+1cc to M/s.B.Manimegalai, Advocate, S.R.No.10999
+1cc to the Government Pleader, S.R.No.11530

W.P.No.20158 of 2013

AJB (CO)
SB (23/03/2022)