



WEB COPY



WP.No.39852 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

WP.No.39852 of 2015
and MP.Nos.1 and 2 of 2015

N.Manikandan

...petitioner

Vs.

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Secretary to Government,
Department of Home affairs,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
3. The Secretary to Government,
Department of Revenue,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
4. The Secretary to Government,
Department of Public Works,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.



WP.No.39852 of 2015

5. The Secretary to Government,
Health Department,
State Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
6. The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnan Road,
Chennai 600 014.
7. The Commissioner of Police,
Greater Chennai,
Vepery, Poonammallee High Road,
Chennai 600 006.
8. The District Collector,
Office of District Collector of Chennai,
Singaravelar Maligai,
Beach Road, Chennai 600 001.
9. The District Collector,
Office of District Collector of Kancheepuram,
Kancheepuram.

...respondents

Prayer:- This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to assess the damages caused to the petitioner and petitioner's family and pay adequate compensation to the petitioner and his families so as to rehabilitate themselves their life and pass orders.

For Petitioner : Mr.S.Sundaresan

For Respondents : Mrs.N.Senthil Selvi, G.A.



WP.No.39852 of 2015

ORDER

WEB COPY

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents to assess the damages caused to the petitioner and his family and and pass appropriate orders by paying adequate compensation to the petitioner and his family so as to rehabilitate themselves in their life.

2. It is the case of the petitioner that he is a resident of Mambalam and there was a heavy rain during the month of Novemeber 2015. It is his specific case that on Monday, 16th November 2015 the Chembarambakkam reservoir was opened with an outflow of more than 18,000 cusecs per second through the Coovam rivers, after heavy rain on the previous day. The allegation of the petitioner is that without prior announcement or any safety and preventive measures to prevent flooding, huge quantity of water was released from the reservoir. Therefore, the petitioner and his family members were greatly affected by the heavy flood and the calamity thereafter and hence, the respondents are liable to pay compensation to the petitioner and his family. The petitioner has estimated a sum of Rs.10,00,000/- as compensation payable to the petitioner.



WP.No.39852 of 2015

WEB COPY

3. On a perusal of records, it is seen that the Writ Petition was filed on 9th December 2015. It is pertinent to mention that the petitioner has come before this Court with this Writ Petition for a mandamus, within a few days of the heavy rain and even before approaching official respondents with a formal representation. This Court and the Hon'ble Supreme Court have time and again reiterated that a Writ of Mandamus will not lie even without a formal representation. The petitioner complaining of personal injury and compensation on account of negligence of public duty has to approach the respondents at the first instance.

4. Since the matter relates to compensation and damages, it must be assessed on the basis of the factual issues. This Court on the general allegations is not inclined to decide issues on facts. In other words, this Court, is not inclined to pass orders on merits based on the averments in the affidavit and the counter affidavit. Hence, the Writ Petition is dismissed. No costs. consequently, connected miscellaneous petition is closed.



WP.No.39852 of 2015

5. However, liberty is given to the petitioner to submit a representation to the eighth respondent within a period of two weeks from the date of receipt of a copy of this order. If necessary, the eighth respondent shall conduct an enquiry and call for report from concerned officials and a copy of such material, which are relevant, shall be furnished to the petitioner. The eighth respondent is directed to pass a reasoned order on merits and in accordance with law within a period of twelve weeks from the date of such representation, after giving sufficient opportunity of hearing to the petitioner and communicate the same to the petitioner.

29.11.2022

Index : Yes/No
pvs



WP.No.39852 of 2015

To

1. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Secretary to Government,
Department of Home affairs,
Government of Tamil Nadu,
Fort St. George, Chennai 600 009.
3. The Secretary to Government,
Department of Revenue,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
4. The Secretary to Government,
Department of Public Works,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
5. The Secretary to Government,
Health Department,
State Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
6. The Director General of Police,
Office of the Director General of Police,
Dr. Radhakrishnan Road,
Chennai 600 014.
7. The Commissioner of Police,
Greater Chennai,
Vepery, Poonammallee High Road,
Chennai 600 006.
8. The District Collector,
Office of District Collector of Chennai,
Singaravelar Maligai,
Beach Road, Chennai 600 001.
9. The District Collector,
Office of District Collector of Kancheepuram,
Kancheepuram.



WEB COPY



WP.No.39852 of 2015

S.S.SUNDAR.J.,

pvs

WP.No.39852 of 2015

29.11.2022