



WEB COPY



Cont.P.No.2068 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.11.2022

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

Cont.P.No.2068 of 2022

1.Mrs.R.Deepika
2.Master R.Manojkumar
3.Master R.Sanjith

...Petitioners

Vs.

Mr.Muruges, I.A.S.,
The District Collector,
Thiruvannamalai District,
Tamil Nadu – 632 301.

...Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondent herein for disobeying the order of this Court in W.P.No.2426 of 2022 dated 15.02.2022.

For Petitioners	: Ms.G.Kiruthika
For Respondent	: Mrs.Geetha Thamaraiselvan Special Government Pleader Mr.Mohammed Fayay Ali [For R2 in W.P.No.2526 of 2022] Mr.A.Selvendran Special Government Pleader [For R3 in W.P.No.2526 of 2022]

ORDER

All parties Ms.G.Kiruthika, learned counsel for the petitioner,
Mrs.Geetha Thamaraiselvan, learned Special Government Pleader for the sole



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respondent in this contempt petition, Mr.Mohammed Fayay Ali, learned counsel

for IOCL/R2 in W.P.No.2526 of 2022 and Mr.A.Selvendran, learned Special

Government Pleader for R3 in W.P.No.2526 of 2022 are before this Court.

2. Order dated 15.02.2022 has disposed W.P.No.2526 of 2022 directing the District Collector/R1 in the writ petition to hear the petitioners and dispose application dated 12.07.2021, under which the petitioners have sought compensation for the demise of petitioner's husband and father, who had passed away on account of an explosion of LPG gas cylinder at 3/38, Subramani Koil Street, Kosapalayam, Arani, Thiruvannamalai District on 29.10.2020.

3. The representation seeking compensation has been recommended by R1 to the full extent by the claim made by the petitioner, being Rs.34,70,000/-. However, according to IOCL they have not been heard prior to the disposal of the representation, as statutorily required in terms of Section 7 of the Public Liability Insurance Act, 1991 (in short 'Act').

4. IOCL also draws attention to the definition of 'owner' under the Act, that means, a person who *'owns or has control over the handling of any hazardous substance at the time of accident'*.

5. Thus, according to them, it would have been appropriate had the respondent heard both IOCL as well as dealer/ R2 & R3 in the writ petition.

Neither the petitioner nor the dealer would express objection in this regard.



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6. Hence, there is direction to the petitioner, IOCL and the dealer/R2 and R3 in the writ petition, to appear before the District Collector on Thursday, the 8th of December, 2022 without expecting any notice in this regard. After hearing the parties, the District Collector shall enquire into the claim made by the petitioners under their representations and pass an award in terms of Section 7 of the Act determining the amount of relief which is just, and specify the person who shall pay over the same to the petitioner.

7. Let the representation be disposed within a period of four weeks that is on or before 07.01.2023. With this, the contempt petition stands closed. No costs.

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Index : Yes / No

Speaking Order / Non Speaking Order



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Dr.ANITA SUMANTH,J.

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To

The District Collector,
Thiruvannamalai District,
Tamil Nadu – 632 301.

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