



W.P.(MD).No.17358 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.08.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.17358 of 2013

P.Muniyandi

... Petitioner

Vs.

1.The Chief Secretary to the Government of Tamil Nadu,
Secretariat, St.George Fort, Chennai.

2.The District Collector,
Collectorate Campus,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to provide a just and fair compensation to the tune of Rs.5 Lakhs to the petitioner based on the petitioner's representation, dated 20.11.2012 for the death of his son namely, Manikandan.

For Petitioner : Mr.S.Vanchinathan,

For Respondents : Mr.D.Sasikumar,
Additional Government Pleader.



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ORDER

The present Writ Petition has been filed seeking a writ of mandamus, directing the respondents herein to pay compensation to the tune of Rs.5 Lakhs to the petitioner based on the petitioner's representation, dated 20.11.2012 for the death of the petitioner's son namely, Manikandan.

2. According to the petitioner, his elder son Manikandan, was aged about 24 years and he was also maintaining the family. The entire family along with deceased Manikandan and some of their friends have visited Rameshwaram Temple and thereafter, they have planned to visit Dhanushkodi. While the deceased Manikandan was taking bath in the sea, one of the big waves pulled away the younger son of the petitioner's family Veeramani. In order to save his younger brother, the deceased ventured into the sea. Though the younger brother was saved, unfortunately, the deceased Manikandan was pulled away into the deep sea. The body was recovered on 18.06.2012 and it was subjected to post-mortem. As per the post-mortem report, the said Manikandan has passed away due to 'asphyxia due to drowning'.



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3. The learned counsel for the petitioner has contended that though these places are thronged by all pilgrims, no caution board has been put up and no warning board was erected on the occurrence place, no security arrangements have been made in the said spot. Daily thousands of devotees visited Rameswaram and on the way, they visited Dhanushkodi to worship the God and no warning board have been installed and only because of the negligence on the part of the respondents herein, the said incident had taken place. The petitioner has also made a representation to the first respondent and the second respondent herein on 20.11.2012, seeking compensation for the same. Since there was no response, the present Writ Petition has been filed.

4. Per contra, the learned Additional Government Pleader appearing for the respondents has filed a counter affidavit contended that Marine Policemen have been posted there and warning boards have been erected in all the areas earmarked as danger. He further contended that the public were warned not to venture into the sea through public warning system. Hence, the allegation relating to lack of adequate security is not correct and he prayed for dismissal of the writ petition.



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5. I have given a careful consideration to the submissions made on either side.

6. There is no dispute that the petitioner's elder son, namely, Manikandan, had been died in the Dhanushkodi sea, while he was taking bath along with his family members.

7. Though the respondent in their counter have contended that security arrangements have been made and warning boards have been put up in the sea, there is no documents has been produced to the said effect.

8. In such circumstances, I do not find that any documents have been produced on the side of the Government to prove their case. The petitioner has given a representation to the second respondent herein on 20.11.2012, seeking compensation. The said representation has been received by the second respondent on 26.11.2012. So far, no order has been passed by the second respondent.



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9. In view of the above said facts, this Court directs the second respondent herein to consider the representation of the writ petitioner and pass orders, after giving due opportunity to the writ petitioner within a period of 12 weeks from the date of receipt of copy of this order.

10. With the above said observation, this Writ Petition is allowed. No costs.

08.08.2022

Index : Yes / No
Internet : Yes / No
das

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

- 1.The Chief Secretary to the Government of Tamil Nadu,
Secretariat, St.George Fort, Chennai.
- 2.The District Collector, Collectorate Campus,
Ramanathapuram District.



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R.VIJAYAKUMAR,J.

das

Order made in

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