



W.P(MD)No.6991 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6991 of 2019

Mary Punitha

... Petitioner

Vs

1.The District Collector,
Kanyakumari District,
Kanyakumari.

2.The Superintending Engineer,
TANGEDCO,
Kanyakumari District,
Nagarcoil.

3.The Assistant Executive Engineer,
TANGEDCO,
Maintenance & Distribution,
Pudukkadai,
Kanyakumari District.

4.The Inspector of Police,
Pudhukadai Police Station,
Kanyakumari District.

***(R.4 is suo motu impleaded vide
order of this Court dated 14.12.2022)***

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to pay



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compensation of Rs.15,36,000/- for the death of the petitioner's husband due to the negligence on the part of the respondents as per the representation of the petitioner dated 14.09.2018.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R.1

Mr.S.Deenadhayalan
Standing Counsel for R.2 & R.3

Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.4

ORDER

Heard the learned counsel on either side.

2. The petitioner's husband had died in an accident while riding his two wheeler on 12.07.2018. The case of the petitioner is that the accident occurred because of the negligence on the part of the TANGEDCO officials. She would allege that the TANGEDCO officials had caused cutting of tree branches. The tree branches fell on the road but they were not cleared. The petitioner's husband happened to ride over the same and slipped in the process. He suffered grievous injuries and died as a result. In this regard Crime No.193 of 2018 was registered on the file of Puthukadai Police Station. Claiming



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compensation, the present writ petition has been filed. The stand of TANGEDCO is that they are not responsible for the occurrence.

3. The learned Standing Counsel appearing for TANGEDCO would further claim that the officials had cleared the branches which were cut by them.

4. I wanted to know the outcome of the investigation by the Police. I therefore *suo motu* impleaded the Inspector of Police, Puthukadai Police Station and called upon the Government Advocate to make a statement as regards the result of the investigation.

5. When the matter was taken for today, the learned Government Advocate produced a copy of the final report filed on 30.11.2018. The Police even while confirming the petitioner's allegation that the TANGEDCO officials had cut the branches of certain trees while carrying out their maintenance works and that the petitioner's husband's vehicle was ridden over the same also add that the petitioner's husband was negligent and reckless and that is why the occurrence had taken place and had closed the case as "Action dropped". Though final report was partly in favour of the petitioner, it indicts the petitioner's husband.



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6. In these circumstances, it may not be possible for the writ Court to go into the merits of the matter. I therefore dispose of this writ petition by granting liberty to the petitioner to move the jurisdictional civil Court for relief. The time spent in prosecuting the writ petition will be excluded for computing the limitation. All the contentions of the writ petitioner are left open. If any suit is filed, the same will be disposed of on merits and in accordance with law within a period of seven months thereafter. There shall be no order as to costs.

21.12.2022

Index : Yes / No
Internet : Yes/ No
MGA

To

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G.R.SWAMINATHAN, J.

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