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W.P.No.20379 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.20379 of 2009

Thangaraj (died)

Vijaya

[petitioner substituted vide order dated 07.03.2018
in M.P.No.1 of 2015 in W.P.No.20379 of 2009] ..

Petitioner

VS

1. Chief General Manager
Bharat Sanchar Nigam Ltd.
Chennai Telephones
Flower Bazaar Telephone Exchange
N.S.C.Bose Road
Chennai – 600 001.

2. Assistant Divisional Engineer
(Building and Security)
Flower Bazaar Telephone Exchange
N.S.C.Bose Road
Chennai – 600 001.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to pay the compensation of Rs.4 lakhs as just compensation to the petitioner with admissible interest.

For Petitioner : Mr.R.Narayanan
for Mr.N.S.Sivakumar

For Respondents : Mr.S.Gopinathan
for R1 and R2

ORDER



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The relief sought for in the present writ petition is to direct the respondents to pay the compensation of Rs.4 lakhs as just compensation to the petitioner with admissible interest.

2. The original petitioner, who filed the writ petition, Mr.Thangaraj died during the pendency of the writ petition.

3. The writ petition was filed seeking compensation on the ground that on 10.04.2005, at about 16.30 hours, the original petitioner, one Viraragavan, Tmt.Sokkammal, Tmt.Lakshmi and Tmt.Papammal were standing at the bus stand situated at Flower Bazaar near BSNL building. At that point of time, a drainage PVC pipe on the outer door wall in dilapidated condition fell on the roof of the bus stand, resulting in grievous injury on the head of the original petitioner and the other persons standing in the bus stand also suffered certain injuries.

4. The incident occurred in the year 2005. The writ petition was filed in the year 2009 and during the pendency of the writ petition, the original petitioner also died. In respect of the negligence aspect, the High Court cannot adjudicate the issues on merits, since it requires examination



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of documents and evidences.

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5. This being the factum, the relief as such sought for to grant compensation cannot be granted. More so, the writ petition itself was filed after a lapse of four years from the date of the occurrence. Thus, the petitioner is at liberty to approach the appropriate forum if at all any grievance exists.

6. With these directions, the writ petition is disposed of. There will be no order as to costs.

06.04.2023

Index : Yes/No

Neutral Citation : Yes/No

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To:

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S.M. SUBRAMANIAM, J.

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