



W.P.No.11268 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11268 of 2022

And

W.M.P.No.16741 of 2023

V.Savithiri

... Petitioner

Vs.

Union of India,
Rep. by General Manager,
Southern Railway,
Park Town,
Chennai – 600 003.

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to give adequate compensation more than Rs.8,00,000/- or more that may be fixed by this Hon'ble Court with interest at 12% p.a. from the date of accident i.e. on 02.10.2018 till the date of realization for the death of the petitioner's husband namely S.Mani @ Vadivel who died due to the negligent act of the respondent and to consider the petitioner's representation dated 22.12.2021.

For Petitioner : Mr.B.Thirumalai
For Respondent : Mr.K.Ramanamourthy
CGC



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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the respondent to give adequate compensation of Rs.8,00,000/- or more that may be fixed by this Court with interest at 12% p.a. from the date of accident i.e. on 02.10.2018 till the date of realization for the death of the petitioner's husband namely, S.Mani @ Vadivel who died due to the negligent act of the respondent and to consider the petitioner's representation dated 22.12.2021.

2.The case of the petitioner is that the petitioner belongs to Narikuravar Community. On 02.10.2018, her husband S.Mani @ Vadivel informed her that he is going to buy Paasi Oosi materials for making fancy items from Parrys and was waiting to cross the Ambattur Railway Station Level Crossing Gate No.6 road. At that time, all of a sudden a Goods train rolled back without engine towards the Level Crossing Gate No.6 and hit against the weight bridge container and in that impact the container fell on her husband, due to which, the petitioner's husband died on the spot.

3.The further case of the petitioner is that with regard to the accident, a case in Crime No.222 of 2018 for the offence under Section



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174 of Cr.P.C. was registered and the respondent started their investigation through their agency and filed DRM Report on 23.03.2020, wherein it was admitted that the incident happened due to the negligent act of their department. Thereafter, the petitioner filed claim petition before the Railway Claim Tribunal, Chennai and after trial, the Tribunal dismissed the petitioner's claim petition with liberty to take up the matter before appropriate forum for suitable remedy. Thereafter, the petitioner made representation to the respondent seeking compensation and since the same has not yet been considered, has filed this writ petition.

4.The learned counsel appearing for the petitioner submitted that without going into the merits of the case, it would suffice, if this Court issues direction to the respondent to consider the petitioner's representation dated 22.12.2021 in terms of the DRM Report dated 23.03.2020 and to pass appropriate orders within a reasonable time frame.

5.The learned counsel appearing for the respondent submitted that the petitioner's husband illegally entered the railway yard, which is objectionable land and further submitted that if the petitioner's



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husband had not entered into the railway yard, the petitioner's husband would not have lost his life, however, the petitioner's representation dated 22.12.2021, will be considered in the manner known to law.

6.In view of the above, this Court, without expressing any opinion on the merits of the case, directs the respondent to consider the petitioner's representation dated 22.12.2021 in terms of the DRM Report dated 23.03.2020 and to pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

7.This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

16.06.2023

pri
Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

To

Union of India,
Rep. by General Manager,
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M.DHANDAPANI,J.
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