



W.P.No.7596 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Writ Petition No.7596 of 2017

1. Thiru.A.Ramalingam

2. Thirumathi.R.Sangeetha

...Petitioners

-Vs-

1. The Principal Secretary
Government of Tamil Nadu,
Highways and Minor Ports Department,
Secretariat, Fort St. George,
Chennai-09.

2. The Managing Director,
GVR Ashoka Chennai ORR Ltd.,
VBC Solitaire XI & X Floors,
No.47 & 49, Bazullah Road,
T.Nagar, Chennai-17.

3. The Oriental Insurance Company,
“Rosy Towers” II Floor,
No.7 Nungambakkam High Road,
Chennai-34.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider the legal notice dated 02.11.2015 and representations dated 17.03.2016 and 08.07.2016 sent by the petitioners



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and direct the Respondents to pay compensation of Rs.41,00,000/- (Rupees forty one lakhs only) for causing the death of the petitioner's children.

For Petitioners : Mr.R.Marudhachala Murthy

For Respondents :

(for R1) : Mr.P.Kumaresan, AAG, assisted by
Mr.P.Sanjay Gandhi, Govt. Advocate

(for R2) : Mr.K.Ravindranath for
Mr.V.J.Arulraj

(for R3) : Mr.G.Guruswaminathan forbearing
M/s.Nageswaran & Narichania

ORDER

The writ on hand has been instituted to direct the respondents to grant compensation of Rs.41,00,000/- (Rupees Forty-one Lakhs only) on account of the death of two minor children of the petitioners.

2.It is not in dispute that the two sons of the petitioners, one Rahul aged about 9 years & another Jai Kumar aged about 7 years during the relevant point of time, died due to the accident. It is further not in dispute that the petitioners had already received a sum of Rs.7,00,000/- (Rupees Seven Lakhs only) towards compensation from the respondents. The learned counsel for the petitioners states that the



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compensation given by the respondents is inadequate and therefore, they have chosen to file the present writ petition.

3.No writ for enhancement of compensation is entertainable since quantum is to be adjudicated with reference to documents and evidence and considering various factors involved in the accident. High Court cannot conduct a roving inquiry with reference to the disputed facts and therefore, the parties in such circumstances have to approach the competent Civil Court for the purpose of grant of compensation if any.

4.In the present case, the petitioners had received the said compensation of Rs.7,00,000/- (Rupees Seven Lakhs only) in the year 2015 and filed the present writ petition in the year 2017. That being the case, they are at liberty to pursue their remedy for enhancement of compensation in the manner known to law and with this liberty, the writ petition stands **disposed of**. No costs.

13.03.2023

Index:Yes
Speaking order
Neutral Citation:Yes
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S.M.SUBRAMANIAM, J.

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To

1. The Principal Secretary
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Highways and Minor Ports Department,
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