



W.P(MD)No.2338 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2338 of 2023

S.Muthupetchi

... Petitioner

Vs.

1.State of Tamilnadu,
Rep. by its the Principal Secretary,
Tourism, Culture and Religious Endowments Department,
St.George Fort, Chennai.

2.The District Collector,
Madurai District.

3.The Commissioner,
Hindu Religious and Charitable Endowment,
119, Uttamar Gandhi Street,
Ayiram Vilagu (West), Nungampakkam,
Chennai.

4.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Ellis Nagar, Madurai.

5.The Deputy Commissioner,
Hindu Religious and Charitable Endowment,
Kallalagar Thirukovil,
Alagarkovil, Madurai.

6.The Assistant Commissioner,
Hindu Religious and Charitable Endowment,
Arulmigu Subramaniya Swamy Temple,
Thiruparamkundram, Madurai.

... Respondents



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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 pay compensation for petitioner son's death caused by the Negligence and maintaining unsecured water pond based on petitioner representation dated on 22.12.2022 within stipulated time frame fixed by this Court.

For Petitioner : Mr.G.Dharmaraj

For Respondents : Mr.R.Ragavendran,
Government Advocate for R1 to R4.
Mr.K.R.Laxman for R5 & R6.

ORDER

Heard the learned counsel on either side.

2.The petitioner's minor son died due to drowning in the water body belonging to the sixth respondent temple. The petitioner seeks compensation for the same. A representation was submitted on 22.12.2022. Since it has not been considered, the present writ petition has been filed.

3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petitioner and called upon this Court to grant the relief as prayed for.



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4.I am not persuaded by the said submission. As rightly pointed out by the learned counsel for the sixth respondent, almost six years have gone by after the date of occurrence. In the nature of things, it is not possible to fence a large water body. The authority cannot be said to have been negligent. If the authorities have been negligent, this Court can fasten liability on the authorities. The facts make heartrending reading. But then, the authorities cannot be blamed. I do not want to issue any direction as sought for in this writ petition. The writ petition stands dismissed. No costs.

06.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The Principal Secretary,
Tourism, Culture and Religious Endowments Department,
St.George Fort, Chennai.
- 2.The District Collector,
Madurai District.
- 3.The Commissioner,
Hindu Religious and Charitable Endowment,
119, Uttamar Gandhi Street, Ayiram Vilagu (West),
Nungampakkam, Chennai.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment,
Ellis Nagar, Maudrai.



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G.R.SWAMINATHAN, J.

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