



W.P(MD)No.17958 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17958 of 2023

and

W.M.P.(MD)No.20839 of 2023

Sundara Lakshmi

... Petitioner

Vs.

1.The Government of Tamilnadu,
Rep. by its Secretary,
State of Highways Department,
St.George Fort, Chennai.

2.The District Collector,
Office of Collectorate,
Karur.

3.The Divisional Engineer,
Highways Department,
Karur.

4.The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records of the 3rd respondent in Na.Ka.No.50/2020/A2 dated 05.10.2020 and quash the same as illegal and also direct the respondents to pay compensation to a tune of Rs.10,00,000 for the death of the petitioner's husband namely Raman.

For Petitioner : Mr.J.Madhu

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.
Mr.A.Albert James,
Government Advocate for R4.

ORDER

Heard both sides.

2.The writ petitioner is a young widow. Her husband was riding a two wheeler along with their daughter on 13.06.2020 in Velayuthampalayam - Punnamchatiram main road at around 06.00 pm. Due to weather condition and severe gale, a tree standing on the road side fell on the petitioner's husband. He sustained grievous injuries on his chest and other parts of the body. He was taken for treatment to Velayuthampalayam government hospital. A police complaint was also parallelly lodged. Crime No.777 of 2020 was also registered. It was



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advised that the petitioner's husband should take further treatment in Karur Medical College Hospital. He was taking continuous treatment. However, his health condition deteriorated. He eventually passed away on 16.12.2020. The petitioner applied to the Highways department for compensation. By the impugned communication dated 05.10.2020, the Highways department informed the petitioner that the occurrence was due to natural causes and that therefore, Highways department cannot be expected to pay compensation. This communication is put to challenge in this writ petition.

3.The Highways department cannot of course be made liable. But then, the Government will have to assume responsibility. The Government of Tamil Nadu has been issuing orders from time to time providing for financial assistance in favour of victims of natural disaster. My attention is drawn to G.O.(Ms)No.246, Revenue and Disaster Management dated 03.08.2017 and G.O.(Ms)No.579 dated 09.12.2023. It states that that when there are victims on account of world wind / gale wind, financial assistance has to be provided. The learned counsel for the petitioner has passed on a copy of the post mortem certificate issued



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by the department of Forensic Medicine, Government Medical College, Karur. It categorically states that the petitioner's husband would appear to have died of septicemia as a consequence of multiple wounds. The death of the petitioner's husband might have taken place six months after the occurrence. But his death was directly attributable to the falling of the tree on the fateful day. The petitioner's husband was aged hardly about 37 years. He was hale and healthy. But for this occurrence, he would have been alive and taken care of the family. Of course, this Court cannot apply the motor accident formula in such cases. But then, the norms laid down by the Government itself can very well be applied. In fact, in an appropriate case, this Court can even go into the issue of applying the formula applicable to motor accident cases in cases of death or injuries caused by falling of trees on the road side. I take judicial notice of the fact that road development works are being carried out in such way as to weaken the tree roots leading to their eventual fall. But that would be a case for examination in another appropriate case.

4.Coming to the case on hand, since I am more than satisfied that the aforementioned government orders are applicable to the petitioner, I



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direct the second respondent is directed to pay a sum of Rs.4,00,000/- to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. If the second respondent fails to make the said payment within twelve weeks, it will carry interest at the rate of 6% per annum from the date of the petitioner's husband's death.

5.This writ petition is allowed on these terms. No costs.
Consequently, connected miscellaneous petition is closed.

19.12.2023

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

- 1.The Secretary,
State of Highways Department,
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- 2.The District Collector,
Office of Collectorate,
Karur.
- 3.The Divisional Engineer,
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4.The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur.

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