



WP (MD) No.19513 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B. PUGALENDHI**

WP (MD) No.19513 of 2014

1.Jothi

2.Vanitha

3.Sangeetha

... Petitioners

Vs

1.The State represented by
the Home Secretary,
Secretariat, St.George Fort,
Chennai.

2.The Secretary,
The Tamil Nadu State Highways,
Secretariat, St.George Fort,
Chennai.

3.The District Collector,
District Collector campus,
Ramanathapuram District.

4.The Superintending Engineer,
Tamil Nadu State Highways,
Ramanathapuram District.

5.The Executive Engineer,
Public Works Department,
Ramanathapuram.

... Respondents

[R5 is suo-motu impleaded vide
Court order dated 31.03.2023]



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the 1st respondent to pay the compensation of Rs.23,00,000/- (Twenty Three Lakh only) to the petitioners due to the negligent act of the 4th respondent.

For Petitioner : Mr.D.Senthil

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

The petitioners are wife and children of one Krishnan, who fell down in a pit, which was dug for implementation of Cauvery Combined Drinking Water scheme. This petition has been filed claiming compensation.

2.The case of the petitioners is that the Public Works Department has not provided sufficient safety measures around the pit and therefore, the said Krishnan fell down in the pit, sustained injuries and succumbed to injuries. Therefore, the petitioners have to be compensated.

3.The learned Special Government Pleader submits that the pit was dug by the TWAD board for implementation of the



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Cauvery Combined Drinking Water Scheme and all safety measures were provided. The petitioner, who was in an inebriated condition fell down and succumbed to injuries in the hospital.

4.This Court considered the rival submissions and perused the materials placed on record.

5.The 1st petitioner's husband one Krishnan fell down in a pit on 20.11.2013, sustained injuries and was admitted in the Government Hospital at Paramakudi. Subsequently he was admitted in a private hospital, wherein he died on 01.12.2013, after a period of 11 days from the date of occurrence. The 2nd petitioner, daughter of the deceased lodged a complaint before the Nainarkoil Police Station, Ramanathapuram District and a case in Crime No.165 of 2013 was registered under Section 304(A) IPC. By referring this FIR, there is a dispute with regard to the safety measures provided on that particular date. This Court is not inclined to entertain this writ petition on the grounds raised by the petitioners. Therefore this writ petition is



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disposed of with liberty to the petitioners to work out their remedy before the competent civil court. The period of the writ petition before this Court shall be excluded for the purpose of calculating the limitation period. No costs. Consequently connected miscellaneous petition is closed.

01.06.2023

Internet : Yes / No

dsk

To

- 1.The Home Secretary,
Secretariat, St.George Fort,
Chennai.
- 2.The Secretary,
The Tamil Nadu State Highways,
Secretariat, St.George Fort,
Chennai.
- 3.The District Collector,
District Collector campus,
Ramanathapuram District.
- 4.The Superintending Engineer,
Tamil Nadu State Highways,
Ramanathapuram District.
- 5.The Executive Engineer,
Public Works Department,
Ramanathapuram

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B. PUGALENDHI, J.

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