



W.P(MD)No.18055 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18055 of 2015

S.Muthulakshmi

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Executive Officer,
Udangudi Panchayat,
Udangudi-628 2023.

3.The Medical Officer,
Government Hospital,
Udangudi-628 203.

4.Ashokan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to consider the representation dated 17.08.2015 given by the petitioner to the first respondent and further to take action against the second respondent, third respondent and fourth respondent and further direct the first respondent to provide 2 lakhs compensation to the petitioner.



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For Petitioner : no appearance

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R3

: Mr.M.Rajarajan for R2

: Mr.M.Saravanan for R4

ORDER

None appears for the petitioner.

2. I went through the averments set out in the affidavit filed in support of the writ petition. The petitioner is the mother of the child Abinaya. The petitioner's husband is eking out his livelihood as a construction worker. When the child was aged about 2 ½ years, she was attending the anganwadi centre at Udangudi on 10.08.2015. The patch work on the roof had fallen on the child resulting in some injury. The child was rushed to the third respondent hospital and she was treated as out patient. The petitioner wants action to be taken against the contractor. The contractor / R4 is said to have passed away on 05.11.2021. Therefore, the case stands abated as against the contractor.

3. The petitioner seeks payment of Rs.2,00,000/- as compensation. Compensation cannot be awarded for the asking. The petitioner will have to



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establish that she is entitled to the amount demanded. The child no doubt suffered some injury. But then, there is nothing on record to show that it was a major injury. She was treated only as a out patient. She was taken to Government Hospital, Tuticorin. Scan was taken. The scan report indicates that the parameters were normal. The Writ Petition was filed in 2015. We are now in 2023. It is not the case of the petitioner that the incident had any subsequent adverse fallout. However, the fact remains that the petitioner's child suffered an injury and that she was taken to the third respondent hospital in the first instance and thereafter, rushed to the Government Hospital, Tuticorin. The petitioner had to pay a sum of Rs.500/-.

4. Before this Court, there are only two materials available.

A. Occurrence had taken place and the child suffered head injury.

B. The petitioner had to incur a sum of Rs.500/- towards taking scan.

One can reasonably conclude that the petitioner must have incurred some expenses toward conveyance, purchase of the medicines and for nutritious food. Taking into account the overall facts and circumstances, I am of the view that interest of justice will be met by directing the first respondent to pay a sum of Rs.10,000/- to the petitioner as compensation within a period of eight weeks from the date of receipt of a copy of this order.



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rmi

5. The Writ Petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
Thoothukudi District,
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