



WEB COPY



W.P.No.5825 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.09.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.5825 of 2020

S.Gunasekar

...Petitioner

-Vs-

1. The Commissioner,
Corporation of Chennai,
Rippon Building, No.1131,
EVR Periyar Salai,
Park Town,
Chennai – 600 003.
2. The Health Officer,
The Grater Chennai Corporation,
Zone-5, Ward 14, Area 58,
EVK Sampath Road, Vepery,
Chennai – 600 007.
3. The Managing Director,
Chennai Metropolitan Water
Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay jointly a sum of Rs.2,25,000/- towards the compensation for the sufferings of the petitioner due to the accident on the deficiency or poor



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road conditional and broken man hole on the respondents side.

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For Petitioner : Mr.P.Chandrasekar

For Respondents

For R1 & R2 : Mrs.S.Vanitha Joice Rani
Standing Counsel

For R3 : Mr.Jerry V.V.Sundar

ORDER

This writ petition has been filed for direction, directing the respondents to pay compensation of Rs.2,25,000/- for the sufferings of the petitioner due to fell down in the manhole of the drainage.

2. The petitioner is working as Masalchis in the Small Causes Court, Chennai. While being so, while he was proceeding towards his home on 30.07.2019, near Rotlers Street, Choolai at 7.30 a.m., he fell down in the man hole which was filled with water due to rain as a result of which, he sustained grievous injury and he has spent huge amount for his sufferings. Hence, he filed the present writ petition with the above prayer.

3. The learned counsel appearing for the petitioner submitted



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that the said manhole was already broken and it was disappeared when the water filled up and therefore the petitioner fell down in the manhole and sustained injury. Therefore, the petitioner submitted representation seeking compensation of Rs.2,25,000/-.

4. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

5. Admittedly, there was a rain and entire manhole were filled with rain water. In the city of Chennai, whenever there is rain immediately all the roads were filled with rain water, since there is small hole to drain the entire water and it takes time to drain all the water. Therefore, all general public opened the man hole to drain the entire rain water. At that time, the manhole was opened by the general public and as such the petitioner unfortunately fell down in the manhole and sustained injury. Though the respondents maintained the entire drainage, on that day due to heavy rain the manhole were filled with rain water. Therefore, the respondents are not liable to pay compensation to the petitioner. The direction sought for in his writ petition cannot be granted and writ petition itself devoid of merits and liable to be dismissed.



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WEB COPY 6. Accordingly, the Writ Petition stands dismissed. There shall be no orders as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J.

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