



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-02-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

**WP No.11836 of 2020
And
WMP No.14541 of 2020**

Jayalakshmi

.. Petitioner

-VS-

- 1.District Collector,
Cuddalore.
- 2.State of Tamil Nadu Represented by its
Additional Chief Labour Secretary,
(Inspector of Factories),
Secretariat,
Chennai-600 009.
- 3.Tagros Chemicals India Limited,
Represented by its Factory Manager,
A4/1, National Highway,
45-A, Pachayankuppam,
Cuddalore-607 003.



4.Kumaresan

.. Respondents

WEB COPY

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the petitioner's representation dated 21.04.2020, award compensation of Rs.10 lakhs to the petitioner apart from taking necessary action against the officials of the respondents 1 and 2 and the third and fourth respondents for their negligence which resulted in the death of the petitioner's husband Chandrakasan.

For Petitioner	:	Ms.Raji
For Respondents-1 and 2:	:	Mr.T.Arunkumar, Additional Government Pleader.
For Respondent-3	:	Mr.S.Raghunathan
For Respondent-4	:	No Appearance

ORDER

The Writ of Mandamus has been instituted to direct the respondents 1 and 2 to consider the representation submitted by the petitioner on 21.04.2020, Award compensation of Rs.10 lakhs to the



petitioner apart from taking necessary action against the respondents.

WEB COPY

2. The present writ petition for compensation has been instituted on the ground that the husband of the writ petitioner during COVID-19 lock down period died on 15.04.2020. The petitioner states that during COVID-19 lock down period, no commercial activities, except essential activities, were permitted. Thus the third respondent-Company should have been kept their Company under lock and key. But the third respondent was running the Company illegally in violation of the Government announcements regarding lock down. This resulted in the fourth respondent, an employee of the third respondent-Company, took out Methanol Chemical and served the same as alcohol to the public, including the husband of the petitioner. The husband of the petitioner along with others consumed the Methanol Chemical and he died on 15.04.2020.

3. The learned counsel for the third respondent-Company would oppose the said contentions raised on behalf of the petitioner by stating that the fourth respondent, admittedly, mixed other chemicals along with Methanol Chemical and supplied to persons for consumption by stating



that it is an alcohol and after consuming the same, three persons were died.

The learned counsel further contended that the third respondent-Company is manufacturing essential chemicals and therefore, the third respondent-Company was kept open even during COVID-19 lock down period.

4. This Court is not inclined to look into, considering those disputed facts between the parties. The fact remains that the husband of the petitioner had consumed Methanol Chemical, which was allegedly supplied by the fourth respondent and he died. Therefore, regarding compensation, the petitioner has to approach the Competent Civil Court of Law for the purpose of establishing her case. The High Court cannot conduct a roving enquiry with reference to the disputed facts between the parties.

5. The adjudication of such disputed facts in the present case requires scrutinisation of documents and evidences. More-so, the third respondent-Company is not a State, within the meaning under Article 12 of of the Constitution of India and it is a Private Company. Thus the writ petition is not maintainable.



6. The official respondents cannot be directly held responsible for the purpose of grant of compensation in the present case,

WEB COPY

7. The learned counsel for the petitioner relied on the judgment of the Hon'ble Supreme Court of India in the case of **Nilabati Behera Alias Lalit Behera vs. State of Orissa [AIR 1993 SC 1960]**. The said judgment was delivered by Hon'ble Mr. Justice J.S.Verma, while dealing with the case of custodial death. The Public Law principles were adjudicated by the Supreme Court for the purpose of grant of compensation in the writ proceedings under Article 32 of the Constitution of India. Therefore, those facts and circumstances cannot be applied to the present case, since the third respondent is a Private Company.

8. Thus the petitioner is at liberty to approach the Competent Civil Court of Law for the purpose of seeking compensation. In the event of filing any civil suit by the petitioner, she is entitled to avail the benefits under Article 14 of the Constitution of India, for the purpose of condoning the delay for the period during which the present writ petition was pending before the High Court.



9. With the above liberty, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

06-02-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The District Collector,
Cuddalore.

2. The Additional Chief Labour Secretary, by its
(Inspector of Factories),
State of Tamil Nadu,
Secretariat,
Chennai-600 009.

WP No.11836 of 2



WEB COPY



WEB COPY

WP No.11836 of 2



S.M.SUBRAMANIAM, J.

Svn

WP 11836 of 2020

06-02-2024