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W.P.No.21452 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.21452 of 2021
and W.M.P.Nos.22690 and 22692 of 2021**

Deivanai

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep.by its Secretary to Government,
Local Administration Department,
Chennai-9.

2.The District Collector,
Chengalpet District.

3.The Executive Officer cum Block Development Officer,
Ponmar Panchayat, Chengalpattu District.

4.The Dean,
Omandurar Multispeciality Hospital,
Anna Salai, Chennai-2.

5.The Inspector of Police,
Thazhambur Police Station,
Chengalpattu District.

6.Balaji

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the first respondent to take immediate steps to give proper medical treatment to the petitioner's son, Inbakumar, through the fourth respondent hospital, consequently direct the respondents 1 to 3 to give compensation of Rs.25 Lakhs to the petitioner's son.

For Petitioner	:	Mr.S.N.Subramani
For Respondents	:	Mr.R.Ramanlal Additional Advocate General assisted by Mr.Yogesh Kannadasan Special Government Pleader for R1, R2, R4 and R5 Mr.C.Selvaraj for R3 Mr.C.Munusamy for R6

ORDER

This Writ Petition has been filed to direct the first respondent to take immediate steps to give proper medical treatment to the petitioner's son, Inbakumar, through the fourth respondent hospital and direct the respondents 1 to 3 to give compensation for a sum of Rs.25,00,000/- to the petitioner's son.



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2. The learned counsel appearing for the petitioner submits that on 01.07.2021, when the son of the petitioner was returning from his duty by his motor bike, he fell into 15 feet depth pit in Ponmar to Navalur Road (Duraismay Salai), which was dug up by the Highways Department for construction of a bridge and the work was handed over to the sixth respondent, however, no precaution was taken to inform the road users about the work being carried out. The petitioner's son sustained injury and the lower trunk of the petitioner's son was completely paralysed and he is unable to stand or walk and move out of the bed. He would further submit that this Court, vide order dated 05.10.2021, issued a direction to the first respondent to provide medical treatment to the petitioner's son in the fourth respondent Hospital till he completely recovers and directed the sixth respondent to pay interim compensation of Rs.2,50,000/- within a period of two weeks from the date of receipt of a copy of the order, however, the interim compensation awarded by this Court is not sufficient to the injuries sustained by the petitioner's son and he is in bedridden and therefore, this Court may direct



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the sixth respondent to pay further compensation and permit the petitioner to file a claim petition before the District Legal Services Authority claiming further compensation under the Victim Compensation Scheme.

3. The learned counsel appearing for the sixth respondent submits that the sixth respondent has carried out the work handed over by the Highways Department and the sixth respondent has paid a sum of Rs.2,50,000/- as ordered by this Court on 05.10.2021 and therefore, this Court may direct the Highways Department to pay further compensation and the sixth respondent has no objection for filing claim petition by the petitioner before the District Legal Services Authority under the Victim Compensation Scheme.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Advocate General assisted by the learned Special Government Pleader appearing for the respondents 1, 2, 4 and 5 and the learned counsel appearing for the third respondent and the learned counsel



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appearing for the sixth respondent.

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5. It appears that the petitioner's son fell into 15 feet depth pit in Ponmar to Navalur Road (Duraismy Salai), which was dug up by the Highways Department for construction of a bridge, when he was returning from his duty, due to which, he sustained severe injuries and his lower trunk is completely paralysed and he is unable to stand and walk and he is in bedridden.

6. On 05.10.2021, when the matter came up for hearing, this Court directed the first respondent to provide medical treatment to the petitioner's son in the fourth respondent Hospital till he completely recovers and directed the sixth respondent to pay interim compensation of Rs.2,50,000/- to the petitioner, pursuant to which, a sum of Rs.2,50,000/- was paid, however, the interim compensation awarded by this Court is not sufficient to to the injuries sustained by the petitioner's son, since he is unable to stand and walk and he is in bedridden and therefore, considering the facts and



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circumstances of the case and the pathetic condition of the petitioner's son, this Court directs the sixth respondent to pay another sum of Rs.2,50,000/- (Rupees Two Lakhs Fifty Thousand only) as compensation to the petitioner within a period of four weeks from the date of receipt of a copy of this order. After receipt of the compensation, the petitioner is directed to file a claim petition before the concerned District Legal Services Authority under the Victim Compensation Scheme claiming further compensation and on such petition being made by the petitioner, the concerned District Legal Services Authority shall consider the same and pass appropriate orders after providing sufficient opportunity to the petitioner as well as the sixth respondent and the Highways Department, as expeditiously as possible. Liberty is granted to the sixth respondent to work out his remedy in the manner known to law, if law permits.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To

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Chennai-9.
- 2.The District Collector,
Chengalpet District.
- 3.The Executive Officer cum Block Development Officer,
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5.The Inspector of Police,
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M.DHANDAPANI,J.

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