



W.P (MD).No.1881 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

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

W.P (MD).No.1881 of 2024

Ajitha

...Petitioner

Vs.

- 1.The Managing Director,
The Tamil Nadu Water Supply and Drainage Board,
No.31, Kamarajar Road,
Chepauk, Chennai-5.
- 2.The District Collector,
Madurai,
Madurai District.
- 3.The Executive Engineer,
The Tamil Nadu Water Supply and Drainage Board,
Chekkanurani,
Madurai,
Madurai District.
- 4.The Commissioner,
Chekkanurani Municipality,
Madurai,
Madurai District.
- 5.The Tahsildar,
Chekkanurani,
Usilampatti Taluk,
Madurai,
Madurai District.



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6.The President,
Nadumuthalaikulam Panchayat Union,
Usilampatti Taluk,
Madurai,
Madurai District.

7.The Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
(R7 is suo motu impleaded
vide Court order dated 06.03.2024)

8.M/s.Eco Protection Engineers Private Ltd.,
Represented by its Senior Manager/
Project Head, Mr.E.Elamaran
(R8 is impleaded vide Court order
dated 02.04.2024)

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay a adequate compensation for the death of her husband namely Sudhaharan, S/o.Peyandi, aged about 33 years due to the careless and negligent act of the respondents based on her representation dated 18.12.2023.

For Petitioner	: Mr.A.Logesh Kumar
For R1 & R3	: Mr.B.Vijay Karthikeyan
For R2,R4 to R6	: Mr.S.Shanmugavel Additional Government Pleader
For R7	: Mr.M.Aasha Government Advocate (Crl.side)
For R8	: Mr.N.Dilip Kumar



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ORDER

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This writ petition has been filed by the petitioner for a direction directing the respondents to pay adequate compensation for the death of her husband due to the negligent act of the respondents.

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

3. The petitioner's husband, after finishing his work while returning to home by his two-wheeler bearing Registration No.TN 58 BW 5006, had fell down into the pit dug by the eight respondent for the purpose of laying pipeline. Due to fall, he sustained injuries and died.

4. On a perusal of the FIR and the complaint lodged by the father of the deceased, revealed that only on the rash and negligent driving of the deceased, the accident was occurred and he himself fell down from the vehicle and sustained injuries. He did not fell down due to the pit dug by the eight respondent herein. After lost his control, he himself fell down and sustained injuries and died.



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5. The eight respondent, who was doing the contractor under the Tamil Nadu Water Supply and Drainage Board. The first respondent got work order to lay a pipeline for providing Combined Water Supply Scheme (CWSS) to 867 habitations in Kallikudi, Thirumangalam, Thirupparankundram, Chellampatti, Usilampatti, Alanganallur and Vadipatti Unions in Madurai District to the tune of 2.00 Million Litres per day of drinking water. In order to execute the project, the eight respondent dug up a pit adjacent to the Vikkiramangalam to Checkkanurani main road. While laying the pipeline by its worker, the petitioner's husband on 18.10.2023 at about 3.45 pm., he drove the vehicle in a rash and negligent manner and he himself fell down from the vehicle and sustained grievous injuries.

6. It is not the case of the petitioner that due to the pit dug by the 8th respondent, the deceased lost his control and fell down. That apart, while pending writ petition, this Court directed the Deputy Superintendent of Police, Usilampatti to conduct discreet enquiry and submit a report. After enquiry, the Deputy Superintendent of Police, Usilampatti filed a report dated 29.04.2024. The said report revealed that the deceased drove his vehicle in a rash and negligent manner and he himself lost his control and fell down into the pit and sustained injuries and died. That apart, the eight respondent after laying the red



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flag only dug up the pit. Pit was also about 5 feet depth in which the pipeline was laid. Since it was laid adjacent to the road, there is no question of safety measure by putting compound wall or Barricade. The road itself with the width of 20 feet. Therefore, there is no negligence on the part of the eight respondent on the death of the petitioner's husband.

7. In view of the above, the respondents are not liable to pay any compensation on the demise of the petitioner's husband. Therefore, the writ petition is devoid of merits and it is liable to be dismissed.

8. Accordingly, the writ petition is dismissed. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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G.K.ILANTHIRAIYAN, J.

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