



W.P.(MD)No.7194 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2024**

CORAM:

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

W.P.(MD)No.7194 of 2019

E.Iyya Samy

... Petitioner

/Vs./

1. The State of Tamilnadu
Rep. by its Secretary to Government,
Department of Transport,
Fort St.George, Chennai-9
 2. The Managing Director
TNSTC(Mad) Ltd.,
Madurai Zone, Madurai
 3. The Branch Manager
TNSTCLtd., Virudhunagar Depot.,
Virudhunagar
 4. The National Engineering College,
Represented by its Chairman,
K.R. Nagar, Kovilpatti, Thoothukudi District.
(R4 is impleaded vide Court order Dated 20.12.2022
in W.M.P(MD).No. 22465 of 2022)
- .. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to
issue a Writ of Mandamus, directing the 3rd respondent to pay a sum of



W.P.(MD)No.7194 of 2019

Rs.5,00,000/- as compensation to the petitioner to carry out renovation work in the house of the petitioner situated at 2/154 Indira Colony, Inam Maniyachi, Kovilpatti Taluk, Thoothukudi District.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.M.Senthil Ayyanar

Government Advocate for R1

: Mr.T.Senthil Kumaraiah for R2

: Mr.V.Perumal for R4

: No appearance for R3

ORDER

This Writ Petition has been filed for a direction, directing the third respondent to pay compensation of Rs.5,00,000/- for the damage caused to his house situated at 2/154, Indira Colony, Inam Maniyachi, Kovilpatti Taluk, Thoothukudi District.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner owned house in Survey No.63/1A2, to the extent of 3 cents situated at Inam Maniyachi, Kovilpatti Taluk, Thoothukudi District. While being so, on 18.08.2017, at about 08.30 hours, a bus



W.P.(MD)No.7194 of 2019

bearing Registration No.TN-67-N-0778, belongs to the third respondent was driven by its driver in a rash and negligent manner towards South to North direction and dashed against a private bus bearing Registration No.TN-69-T-4746 and again, dashed the house of the petitioner, after entering into a service road from National Highway. Due to the said accident, several passengers and driver sustained grievous injuries, further, the petitioner's house also got damaged. On the complaint, F.I.R has been registered in Crime No.453 of 2017 for the offence under Sections 279 and 377 I.P.C as against the driver of the bus, owned by the third respondent. Therefore, the petitioner submitted representation seeking compensation.

4. On perusal of the counter and submission, it revealed that the accident occurred between two buses. The petitioner's house got damaged. However, the compensation cannot be arrived here, by assessing damage to the petitioner's house. That apart, the respondents 2 and 3 disputed negligence on the part of their driver. Therefore, disputed question of fact cannot be decided here. It has to be gone into let in evidence.



W.P.(MD)No.7194 of 2019

WEB COPY

5. Therefore, the representation submitted by the petitioner, seeking compensation, cannot be considered and the writ petition is liable to be dismissed, accordingly, dismissed. The petitioner is at liberty to approach the appropriate Forum for seeking compensation in the manner known to law. It is made clear that the period of pendency of this writ petition may be excluded to file a petition / suit for the purpose of limitation. No costs.

04.12.2024

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
LS

TO:-

1. The Secretary to Government,
Department of Transport,
Fort St.George, Chennai-9
2. The Managing Director
TNSTC(Mad) Ltd.,
Madurai Zone, Madurai
3. The Branch Manager
TNSTCLtd., Virudhunagar Depot.,
Virudhunagar
4. The Chairman, National Engineering College,
K.R. Nagar, Kovilpatti, Thoothukudi District.



WEB COPY



W.P.(MD)No.7194 of 2019

G.K.ILANTHIRAIYAN, J.

LS

Order made in
W.P.(MD)No.7194 of 2019

Dated:
04.12.2024