



W.P(MD)No.17592 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.17592 of 2019

D.Peter @ Peter Paul

... Petitioner

Vs

1.State of Tamil Nadu,
Represented by its Additional Chief
Secretary to Government,
Revenue and Disaster Management,
Secretariat,
Chennai.

2.The District Collector,
Madurai District.

3.The Tahsildar (Social Security Scheme),
Madurai North Taluk,
Madurai.

4.The Block Development Officer,
Madurai West Union,
Madurai District.

5.The Special Officer,
Pothumbu Village,
Madurai West Union,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to provide fair amount of compensation to the petitioner for the negligent attitude of the respondents 4 and 5.



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For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents 1 to 3 to provide fair amount of compensation for the negligent attitude of the respondents 4 and 5.

2.The petitioner's son while he was studying 11th standard, on 22.11.2014, he along with his friends went to take bath at Pothumbu Village which is situated adjoining to Pothumbu to Athalai road. While taking bath, he drowned in the open well and died. Subsequently, the F.I.R was also registered in Crime No.556 of 2014 for the offence under Section 174 of Cr.P.C.

3.The contention of the petitioner is that the respondents 4 and 5 failed to act under Section 128 of the Tamil Nadu Panchayats Act, 1994 by not putting up any precautions in case of any dangerous structures.



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4. Admittedly, the petitioner's son went to take bath in a private well owned by a third person without getting any permission. He himself drowned in the well and died. Therefore, the part of the respondents 4 and 5 are not required to provide any protection to the private well. Therefore, the representation submitted by the petitioner seeking compensation cannot be considered. Hence, this Writ Petition itself is devoid of merits and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

06.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

- 1.The Additional Chief Secretary to Government,
Represented by the State of Tamil Nadu,
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Chennai.
- 2.The District Collector,
Madurai District.
- 3.The Tahsildar (Social Security Scheme),
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G.K.ILANTHIRAIYAN, J.

ps

Order made in
W.P(MD)No.17592 of 2019

06.12.2024