



W.P.(MD) No.3577 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2024

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.3577 of 2018

and

W.M.P.(MD) No.3711 of 2018

R.Murugan

... Petitioner

Vs.

- 1.The State of Tamil Nadu
Represented by its Secretary,
Education Science and Technology Department,
Fort. St.George,
Chennai-9.
- 2.The Director of School Education,
College Road,
Nungapakam, Chennai-6.
- 3.The District Collector,
Madurai District.
- 4.The Correspondent,
Nirmala Girls Higher Secondary School,
Kamarajar Road,
Madurai.
- 5.The Headmistress,
Nirmala Girls Higher Secondary School,
Kamarajar Road,
Madurai.



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6.The Managing Director,
Black Thandar Theme Park,
Mattupalayam,
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondents to pay the compensation of Rs.25,00,000/- to the petitioner for the death of his daughter namely Shanmugaragavi aged about 14 years due to the negligence on the part of the fourth to sixth respondents.

For Petitioner : Mr.R.Pandi Maharaja

For R1 to R3 : Mr.T.Amjad Khan
Government Advocate

For R4 & R5 : Mr.Rozario Sundarraaj

For R6 : Mr.K.Hemakarthiskeyan

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents to pay the compensation of Rs.25,00,000/- to the petitioner for the death of his minor daughter named Shanmugaragavi aged about 14 years who unfortunately died in an accident at the Theme Park maintained by the sixth respondent on 17.08.2017 while on a school excursion to Mettupalayam.



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2. The accident has taken place in Coimbatore. The records reveal that the fourth and fifth respondents have not obtained any prior permission from the second respondent for school excursion. All the same, the petitioner is entitled to file a suit for compensation against the sixth respondent by making the fourth and fifth respondents as parties, for the loss of an innocent life on 17.08.2017.

3. Under these circumstances, this Writ Petition is disposed of by giving liberty to the petitioner to file a suit for compensation from the fourth, fifth and sixth respondents. The first to third respondents are however directed to pay a sum of Rs.1,00,000/- as solatium to the petitioner's family as per G.O.(Ms) No.17, School Education [S.E.5(2)] Department, dated 07.02.2018, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

25.07.2024

Index: Yes / No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN



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Education, Science and Technology Department,
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C.SARAVANAN, J.

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and
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