



W.P(MD)No.1868 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1868 of 2024

A.Gokulan

... Petitioner

Vs.

1.The Regional Officer,
National Highways Authority of India,
No.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area,
Melur Main Road,
Mattuthavani,
Madurai District – 625 007.

2.M.Sindhu Construction,
No.12, Ram Villas Nagar,
NGOB Colony,
Palayamkottai,
Tirunelveli – 627 007.

3.Sri Sai Enterprises,
Trichy Tollways (I) Pvt Limited,
Chittampatty,
Melur Taluk,
Madurai District – 625 104.

... Respondents



W.P(MD)No.1868 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to provide compensation sum of Rs.75,00,000/- to the petitioner for his negligent act.

For Petitioner : Mr.V.Balamurugan

For Respondents : Mr.P.Karthick for R.1

Mr.M.Maharaja for R.2

No Appearance for R.3

ORDER

Heard both sides.

2.The petitioner's father died in an accident on the Highway. In this regard, Crime No.200 of 2021 was registered on the file of Kottampatti Police Station, Madurai city. The petitioner alleges that on account of the negligence on the part of the respondents, the occurrence had taken place.

3.This is contested by the respondents. National Highways Authority of India has filed detailed counter affidavit also. The stand of



W.P(MD)No.1868 of 2024

the respondents is that the petitioner's father who was riding a two wheeler hit a sand heap and died as a result. Whether there was negligence on the part of the respondents or whether the occurrence took place because of the negligence on the part of the petitioner's father is a factual issue that cannot be adjudicated in writ proceedings.

4.I therefore permit the legal heirs of the deceased to file a civil suit in this regard. If such a suit is filed within a period of four weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation. The respondents agree before this Court that they will not plead limitation as a defence.

5. The case of the petitioner is to be examined entirely on merits. If the plaintiffs do not have the wherewithal to pay Court fee they can very well file a pauper OP. If such pauper OP is filed, the jurisdictional Tahsildar will conduct enquiry and submit his report as expeditiously as possible. The plaintiffs' wherewithal shall not be determined with reference to the value of the immovable property they own. If they do not have liquid funds, the plaintiffs can very well be permitted to institute



W.P(MD)No.1868 of 2024

the suit for compensation / damages as paupers. The occurrence had taken place in the year 2021. If any suit is filed within the time limit as mentioned above, it shall be disposed of on merits and in accordance with law within a period of 18 months thereafter.

6. With this liberty to the petitioner and other legal heirs to move the jurisdictional civil Court and with the aforesaid direction to the trial Court, this writ petition is disposed of. I make it clear that I have not gone into the merits of the matter. There shall be no order as to costs.

02.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The Regional Officer,
National Highways Authority of India,
No.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1, Lake Area,
Melur Main Road,
Mattuthavani,
Madurai District – 625 007.



W.P(MD)No.1868 of 2024

2.M.Sindhu Construction,
No.12, Ram Villas Nagar,
NGOB Colony,
Palayamkottai,
Tirunelveli – 627 007.

3.Sri Sai Enterprises,
Trichy Tollways (I) Pvt Limited,
Chittampatty,
Melur Taluk,
Madurai District – 625 104.



WEB COPY



W.P(MD)No.1868 of 2024

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.1868 of 2024

02.04.2024