



W.P(MD)No.21826 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.21826 of 2017

Kaveri

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary (Home Department),
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Kancheepuram District.
- 3.The District Welfare Officer,
Kancheepuram District.
- 4.The Special Tahsildar,
Kanchipuram Taluk Office,
Kanchipuram.
- 5.The Principal,
Sathyabama University,
(A Christian Minority Institution),
Jeppaiaar Nagar,
Rajiv Gandhi Salai,
Chennai-600 119.



W.P(MD)No.21826 of 2017

6.Dr.M.G.R Illam (Boys Hostel),
Hostel Warden, Sathyabama University,
(A Christian Minority Institution),
Jeppaiaar Nagar, Rajiv Gandhi Salai,
Chennai-600 119.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, direct the respondents to grant compensation for a sum of Rs.20,00,000 lakhs for the death of their son due to the negligence of the respondents and pass such further or other orders as this Court.

For Petitioner : Mr.S.Jawahar

For R-1 to R-4 : Mr.D.Gandhiraj
Special Government Pleader

For R-5 & R-6 : Mr.PT.S.Narendravasan

ORDER

The present writ petition is filed for Mandamus, directing the respondents to grant compensation for a sum of Rs.20,00,000/- for the death of the petitioner's son due to the negligence of the respondents.

2. The petitioner's son who was aged about 17 years while studying in the fifth respondent College for a course of B.E(ECE), on 05.09.2016 he along



W.P(MD)No.21826 of 2017

with his friends went to Kovalam Beach to take bath. While taking bath, there was a high tide and had swept the petitioner's son. Due to which, he drowned and died.

3. The learned Counsel for the petitioner would submit that only on the permission granted by the sixth respondent, the petitioner's son along with his friends went to sea to take bath. Therefore, the sixth respondent ought not to have granted any permission to the petitioner's son to take bath in the sea. Only on their negligence, the petitioner's son went to sea and died while taking bath by drowning. It is unfortunate to state that when the petitioner's son was studying in the fifth respondent and staying in the sixth respondent hostel, he along with his friends went to sea to take bath. There is warning board everywhere in the place not to take bath in the sea. In spite of the warning board, the petitioner's son along with his friends went to the sea to take bath. While taking bath, he drowned himself and died.

4. Even assuming that the sixth respondent permitted the petitioner's son to go out during the weekend, it does not mean that the sixth respondent permitted the son to take bath in the sea. Therefore, there is absolutely no



W.P(MD)No.21826 of 2017

WEB COPY

negligence on the part of the fifth and sixth respondents herein. Therefore, the representation submitted by the petitioner seeking compensation cannot be considered. Hence, this writ petition has no merits.

4. Accordingly, this writ petition stands dismissed. However, the petitioner is at liberty to claim tuition fee which was paid at the time of admission of his son before the fifth respondent. On receipt of any representation, the fifth respondent is directed to consider and pass orders. There shall be no order as to costs.

13.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Secretary (Home Department),
The State of Tamil Nadu,
Secretariat,
Chennai-600 009.

2.The District Collector,
Kancheepuram District.



W.P(MD)No.21826 of 2017

WEB COPY

- 3.The District Welfare Officer,
Kancheepuram District.
- 4.The Special Tahsildar,
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- 5.The Principal,
Sathyabama University,
(A Christian Minority Institution),
Jeppaiaar Nagar,
Rajiv Gandhi Salai,
Chennai-600 119.
- 6.Dr.M.G.R Illam (Boys Hostel),
Hostel Warden, Sathyabama University,
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W.P(MD)No.21826 of 2017

G.K.ILANTHIRAIYAN, J.

BTR

W.P(MD)No.21826 of 2017

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