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W.P.No.5392 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.5392 of 2018

G.Mahalakshmi

.. Petitioner

Vs.

1.The Commissioner,
Chennai Corporation,
Ripon Building, Chennai – 600 003.

2.The Superintending Engineer (Ka) 5,
Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai – 600 099.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the communication number Se Ku Va/Tha Po(Ka) 3/ Ka Po Ka(5)/ Puthagaram / 2016, dated 29.11.2016 on the file of the second respondent and quash the same and consequently directing the respondents to grant a compensation of 30 lakhs for the death of the petitioner's husband, Gopalakrishnan.

For Petitioner : Ms.M.Sudha

For R1 : MG.T.Subramanian
Standing Counsel (GCC)

For R2 : Ms.Vasanthala Mala
Standing Counsel



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ORDER

The petitioner is the wife of one Gopalakrishnan. Gopalakrishnan was found dead inside a pumping station belonging to the 2nd respondent on 21.09.2016. The petitioner claims that her husband fell into an open well, which did not have any sign boards or compound wall or any other precautionary measures surrounding it. Hence, she seeks to quash the order which refuses the petitioner's claim for compensation, and consequently, seeks Rs.30 lakhs for the death of her husband.

2.This Court entertained the writ petition and had ordered notice.

3.Ms.Vasanthi Mala, Standing Counsel appearing for the 2nd respondent has filed a counter. According to her, the work for construction of the Pumping Station had started on 02.03.2015, and the area in which the work was carried on is marked as a prohibited area. Apart from that, she pleads that a compound wall measuring a height of 1.5 meters from the ground level, had been constructed around the well. She states that the petitioner's husband has to be treated only as a trespasser inside the prohibited area. In addition, she states that the well was situated 60 feet away from the road.



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4.I have carefully considered the submissions of both sides and I have also gone through the records in detail.

5. Being a case teeming with disputed facts, I cannot probe into the same in exercise of jurisdiction under Article 226 of the Constitution of India. Accordingly, the Writ Petition is dismissed. The petitioner is at liberty to approach the jurisdictional Civil Court seeking damages and compensation. The period from 07.03.2018 till 31.12.2025 shall stand excluded, in case the petitioner files a suit for damages. No costs.

09.12.2025

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

1. The Commissioner,
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V.LAKSHMINARAYANAN, J.

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