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W.P.No.9017 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9017 of 2024

1. Sugapriya
 2. A.Nibunanth (Minor)
(Represented by Natural Guardian Mother Mrs.Sugapriya)
 3. Deiva Sigamani
 4. Dhana Lakshmi
- .. Petitioners

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary,
Department of Highways and Minor Ports,
Secretariat, St. George Fort,
Chennai – 600 009.
 2. The Director General,
State Highways Department,
PWD Complex, Kamarajar Salai,
Chennai – 600 005.
 3. The Chief Engineer,
State Highways Department,
C & M, 2nd Floor, No.76, Sardhar Patel Road,
Guindy, Chennai – 600 025.
 4. The Assistant Chief Engineering,
State Highways Department,
C & M, 2nd Floor, No.76, Sardhar Patel Road,
Guindy, Chennai – 600 025.
- .. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent to pay sum of Rs.1,00,00,000/- (Rupees One Crore) towards compensation within a stipulated period of time as fixed by this Hon'ble Court for petitioner husband death due to the tree maintained by the respondents department fell down on petitioner husband at EVR Road while travelling by two wheeler on 13.06.2023 due to the negligence on the part of the respondents who failed to maintain on the highways properly.

For Petitioners	: Mr. R. Ezhilarasan
For Respondents	: Mr. A.M.Ayyadurai
	Government Advocate

ORDER

This Writ Petition has been filed seeking direction to the respondents to pay sum of Rs.1,00,00,000/- (Rupees One Crore) towards compensation for the death of the first petitioner's husband due to the tree maintained by the respondents department fell down on the first petitioner's husband at EVR Road while travelling by two wheeler on 13.06.2023 which is due to the negligence on the part of the respondents, who failed to maintain the trees on the highways properly.



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2. The learned counsel appearing for the petitioners submitted that on 13.06.2023 at about 9.00 a.m. the husband of the first petitioner and the first petitioner left the home to attend the Gabler Course in Community Welfare Hall in Kilpauk Police Station, Wall Tax Road via E.V.R. Road, on his two wheeler bearing Registration No.TN-91-S-2856. While travelling in the two wheeler on E.V.R. Road, opposite to Bharath Petrol Station, on the left side of the E.V.R. Road, a large branch had suddenly broken from a tree which was not properly maintained by the Highways Department and fell on both the first petitioner and her husband, as a result of which, the husband of the first petitioner suffered multiple fractures in his spine, head, neck, left arm and the first petitioner also suffered injuries on her face, head and left knee. Therefore, both of them were admitted in Rajiv Gandhi Government Hospital. The first petitioner was discharged on the next day. As the injury was very severe, the husband of the first petitioner was under treatment in Intensive Care Unit, however, he died on 19.06.2023.

3. The learned counsel for the petitioners further submitted that immediately after the accident, on 13.06.2023 at about 17.00 hours, the Sub Inspector of Police, Egmore Police Station, registered a case in Crime No.264



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of 2023 for the offences under Sections 336, 338 of IPC and Section 163A of the Motor Vehicles Act. Thereafter, on 27.07.2023 an alteration report was filed before the learned XIV Metropolitan Magistrate, Egmore, under Sections 366, 338 of IPC and 166A of Motor Vehicles Act altering to Section 304A of IPC.

4. The learned counsel appearing for the petitioner further submitted that admittedly, the trees situate on both sides of the highways are maintained by the respondent department and it is the duty cast upon them to maintain them properly and if any dead trees or branches are there, they have to be removed then and there. In this case, for the improper maintenance of the trees, a branch of the tree fell on the first petitioner and her husband thereby the husband of the first petitioner died. Therefore, the first petitioner made representations to the respondents on 25.08.2023 seeking compensation for the death of her husband. Since no order has been passed on the representation, this Writ Petition has been filed seeking direction to the respondents to pay a sum of Rs.1,00,00,000/- (Rupees One Crore) as compensation to the petitioners.

5. In support of his contention, the learned counsel appearing for



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the petitioner relied on the decision of this Court **dated 12.03.2019 passed in**

W.P.(MD) No.9358 of 2025 [N.Umadevi vs. The Secretary to Government, Department of Highways and Minor Ports, Secretariat, St. George Fort, Chennai – 600 009 and three others] wherein this Court had granted compensation to the petitioner by observing as under:

“4. I am of the view that the death of the petitioner’s husband only due to the negligence on the part of the respondents Department. They are obliged to compensate the petitioner. The respondents are clearly liable to compensate the petitioner for the loss of her husband.

5. Now, the question arises with regard to the quantum of compensation. When the petitioner’s husband died, he was aged about 45 years. Of course, there is no proof with regard to his income and hence, the notional income can be fixed at Rs.6,000/- per month. Along with 25 % towards future prospects, the monthly income would be Rs.6,000/- + 25% = Rs.7,500/-. Since the deceased had three dependants, 1/4th has to be deducted towards personal expenses from the said income. The relative multiplier would be 14. The loss of income is quantified as follows:

$$\begin{aligned} &= \text{Rs.7,500/-} (-) 1/4\text{th} \times 14 \times 12 \\ &= \text{Rs.5,625/-} \times 14 \times 12 \\ &= \text{Rs.9,45,000/-} \end{aligned}$$

Therefore, loss of income for the family is quantified at Rs.9,45,000/-. Furthermore, the petitioner is entitled to a sum of Rs.70,000/- under the conventional heads (funeral expenses, Consortium and loss of estate). The compensation payable to the petitioner is Rs.10,15,000/-.



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6. The respondents are directed to pay the said amount of Rs.10,15,000/- together with interest at 7.5% per annum from the date of filing of this Writ Petition, within a period of six weeks from the date of receipt of a copy of this order. The petitioner, wife is entitled to 50% of the said sum. The balance amount shall be deposited in any one of the Nationalised Banks in the name of the children. The petitioner can withdraw the interest once in three months directly from the Bank.”

6. Per contra, the learned Government Advocate appearing for the respondents submitted that the stretch of EVR Salai from Muthusamy Bridge to Koyambedu Bridge is under the maintenance of the State Highways Department. Trees are located along EVR Salai in the vicinity of MMC, Chennai Central and Egmore including near the Railways Department offices. The alleged incident occurred near Egmore, in an area where such trees are located. The tree in question was a living tree and healthy tree and was not in a hazardous manner. Due to an unforeseen and sudden strong gust of wind, a branch broke and fell, causing the unfortunate incident. This incident was purely an act of nature and cannot be attributed to any negligence on the part of the respondents. It is relevant to mention that trees are planted along roadsides as per the Government's green initiative to combat pollution and enhance the environment for the public. During summer months, these trees provide shade and oxygen to pedestrians and commuters. Further, the



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removal or cutting of live trees cannot be done without obtaining prior permission from the District Collector. Hence, the occurrence, being a natural calamity, does not warrant any liability on the part of the respondents.

7. Further, the respondents have implemented regular inspection protocols to assess the health of trees located on the highways and arterial roads. Period trimming and removal of dead branches are undertaken as part of routine maintenance. In the present case, the tree was not found to be dead or dangerous in any prior inspection, and the incident occurred due to sudden gusty winds, which qualify as a force majeure event beyond human control. Therefore, the learned Government Advocate appearing for the respondents prayed for dismissal of this Writ Petition.

8. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

9. The facts and circumstances of the present case and the manner in which the accident happened are not in dispute. Admittedly, the first petitioner and her husband travelled in a two wheeler bearing Registration No.TN-91-S-2856 on 13.06.2023 for attending the Gabler Course in



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Community Welfare Hall in Kilpauk Police Station, Wall Tax Road via E.V.R. Road. It is equally undisputed that while travelling in the two wheeler on E.V.R. Road, opposite to Bharath Petrol Station, on the left side of the E.V.R. Road, a large branch had suddenly broken from a tree, which was not properly maintained by the Highways Department, fell on both the first petitioner and her husband, as a result of which, the husband of the first petitioner suffered multiple fractures and dead in the hospital. Admittedly, in the counter affidavit the respondents themselves admitted that the tree is a living tree planted by the respondents on both sides of the road as per the Government's green initiative to combat pollution and enhance the environment for the public. It is also admitted in the counter that periodic trimming and removal of dead branches are undertaken by the respondents. In view of the admitted facts in the counter affidavit, it is the duty cast upon the respondents to maintain the trees and dead branches periodically. But due to non-maintenance of the trees, the dead branch of the tree was broken and fell on the first petitioner and her husband. Therefore, it is the undisputed fact that the negligence is on the part of the respondents. In such circumstances, this Court fixes the responsibility on the respondents.

10. The first petitioner's husband died when he was aged about 36



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years. Though the petitioners claimed that at the time of accident, the husband of the first petitioner was employed in L&T Company and earned Rs.10,00,000/- per annum, no proof was produced with regard to his income and hence, as per the principles of the Hon'ble Supreme Court in the case of *National Insurance Company Limited vs. Pranay Sethi* and others reported in **2017 (16) SCC 680**, this Court is inclined to fix the notional income at Rs.25,000/- per month. Since the deceased had four dependants, 1/5th has to be deducted towards personal expenses from the said income. The relative multiplier would be 15. The loss of income is quantified as follows:

$$\begin{aligned} &= \text{Rs.25,000/-} (-) 1/5\text{th} \times 15 \times 12 \\ &= \text{Rs.20,000/-} \times 15 \times 12 \\ &= \text{Rs.36,00,000/-} \end{aligned}$$

Therefore, loss of income for the family is quantified at Rs.36,00,000/-. Furthermore, the petitioner is entitled to a sum of Rs.1,25,000/- under the conventional heads (funeral expenses, Consortium and loss of estate). The compensation payable to the petitioners is Rs.37,25,000/-.

11. The respondents are directed to pay the said amount of Rs.37,25,000/- together with interest at 7.5% per annum from the date of



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filing of this Writ Petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this order. The first petitioner, wife is entitled to 50%; the second petitioner, minor child, is entitled to 25% and the third and fourth respondents, parents of the deceased jointly entitled to 25% of the said sum. The amount of 25% apportioned to the second petitioner, minor child, shall be deposited in any one of the Nationalised Banks in the name of the child. The first petitioner can withdraw the interest once in three months directly from the Bank.

12. With the above direction, this Writ Petition is disposed of. No costs.

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SRM

Index :Yes/No
Speaking/Non-speaking order
Internet :Yes
Neutral Citation :Yes/No

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- To
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M.DHANDAPANI, J.

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