



1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

WEB COPY

CORAM :

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.24010 of 2025

and

WMP.No.27003 of 2025

G.D.Yogesh Babu

... Petitioner

Vs.

1. The Commissioner

Greater Chennai Corporation
Chennai 600 003.

2.The Assistant Commissioner

Greater Chennai Corporation
Zone – 3, Madhavaram
No.1, Thattankulam Road,
Chennai 60

3.The Managing Director

Chennai Metro Water Supply and Sewerage Board
Chennai

4. The Zonal Officer

Greater Chennai Corporation
Zone – 3, Chennai 600 060

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari by calling for the records of the impugned order issued by the 2nd respondent vide proceedings Ma.AA3.Na.Ka.No./2383/2025 dated 29.04.2025 and quash the same.



WEB COPY



2

For Petitioner : Mr.R.Suresh Kumar
for Mr.K.M.Vijayan Associates
For Respondents : Mr.G.T.Subramanian for R1, R2 & R4
Greater Chennai Corporation

ORDER

This Writ Petition is filed for a Writ of Certiorari calling for the records of the impugned order of the 2nd respondent in proceedings Ma.AA3.Na.Ka.No/2383/2025 dated 29.04.2025, and to quash the same as illegal.

2. The petitioner is the owner of the residential premises bearing Door No.2, Valarmathi Nagar Extension, Vinayagapuram, Chennai 600 099. As there was no sewerage connection to the premises, the petitioner constructed a septic tank. Whenever the pit filled up, the petitioner used to approach the 3rd respondent, requesting him to send his workers for clearing the septic tank. The authorities used to periodically send their workers for clearing the sewage collected in the septic tank. On 30.09.2013, the petitioner approached the 3rd



respondent for emptying the septic tank and the 3rd respondent also sent his

workmen instructing the petitioner to pay charges in cash directly to the

workmen. Unfortunately, one of the workman, who was in an inebriated

condition, suddenly jumped into the pit and died. Consequently, on

sympathetic grounds, the petitioner paid a sum of Rs.55,000/- to his widow.

While so, after 3 years from the date of incident, the 4th respondent, all of a

sudden, issued notice on 21.12.2016, calling upon the petitioner to pay Rs.10

lakhs as compensation, to the family members of the deceased worker. The

petitioner challenged the said order of the 4th respondent in WP.No.1335 of

2017, which was disposed of with certain directions on 24.01.2025. The

respondents in violation of the directions issued by this court in the said writ

petition passed the impugned order and hence aggrieved by the impugned

order, the petitioner filed the above writ petition for the above stated relief.

3. The facts of the case are not disputed. Admittedly, the respondents

issued notice to the petitioner on 21.12.2016, directing him to pay



compensation of Rs.10 lakhs to the legal heirs of the deceased. The said order

was challenged by the petitioner in W.P.No.1335 of 2017 and this court in its

order dated 24.01.2025, in paragraph Nos.5 and 6, held as follows :

*“5. The only issue is whether the third respondent can recover that amount from the petitioner herein. The learned Senior Counsel for the petitioner drew notice of this Court to an order of the Division Bench in W.P.Nos.17380 of 2017, 31345 of 2014 and WP (MD) No.24243 of 2017 wherein the Division Bench had examined the issue of compensations to be paid by the Coimbatore City Municipal Corporation, Villupuram Municipality, Nagapattinam Municipality, Kumbakonam Municipality and Greater Chennai Corporation. While stating about the stand of Coimbatore City Municipality Corporation, it had been observed by the Division Bench that it is a **usual fashion for the Corporation to blame private parties and the contractor for the incident which happens.***

6. It is to be noted that every incident leading to death will have to be examined on a case by case basis. The manner in which the death occurred in the instant case will have to be examined surrounding the facts and circumstances of this particular case. If the respondents have come to a conclusion, on appreciation of the facts and on adopting proper procedure in accordance with law that the amount will have to be recovered from the petitioner and that the petitioner is also responsible either directly or indirectly for the death of the individual, then the respondents, in manner known to law may proceed further for recovery of the amount they had already paid to the widow of the deceased. “

4. From the above order of this court, it is evident that the respondents are entitled to recover the compensation amount paid by them from the



petitioner. However, such recovery shall be effected only by following due procedure of law. The proper procedure would necessarily involve issuance of a show cause notice, conducting an enquiry into the facts after affording opportunity of hearing, and thereafter arriving at a finding as to whether the petitioner had any role in the death of the worker. Only upon such determination, the petitioner can be held liable for the compensation payable to the legal heirs of the deceased worker.

5. In the instant case, I find that proper procedure has not been followed and hence in any view, the impugned order is illegal and unsustainable. Therefore, the impugned order is set aside and the matter is remanded to the 2nd respondent for fresh consideration, with the following directions:-

(i) The 2nd respondent shall issue a show cause notice to the petitioner, calling for an explanation from him on the recovery of the compensation amount.

(ii) The show cause notice shall give clear 14 days time to the petitioner to respond.

(iii) the petitioner shall on receipt of the show cause notice, reply to the same within two weeks.

(iv) The 2nd respondent, after receipt of the explanation



WEB COPY



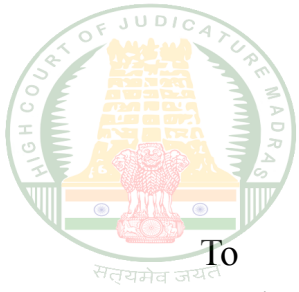
6

shall conduct an enquiry, by affording an opportunity of hearing to the petitioner and thereafter, pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of the reply.

6. In the result, this writ petition is disposed of with the above direction. Consequently, connected miscellaneous petition is closed. No costs.

03.07.2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
gv



To

1. The Commissioner
Greater Chennai Corporation
Chennai 600 003.
2. The Assistant Commissioner
Greater Chennai Corporation
Zone – 3, Madhavaram
No.1, Thattankulam Road,
Chennai
3. The Managing Director
Chennai Metro Water Supply and Sewerage Board
Chennai
4. The Zonal Officer
Greater Chennai Corporation
Zone – 3, Chennai 600 060



WEB COPY



8

N.MALA.,J

gv

W.P.No.24010 of 2025
and WMP.No.27003 of 2025

03.07.2025