



W.P.No.41699 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2025

CORAM

THE HON'BLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.No.41699 of 2025

Palaiya Duraisamy

.... Petitioner

Vs

1.The District Collector
District Collectorate Office
Mayilladuthurai District.

2.The Revenue Divisional Officer
Revenue Division Office
Mayilladuthurai District.

3.The Tahsildar
Mayilladuthurai Tahsildar Office
Mayilladuthurai District.

4.The Block Development Officer
Block Development Office
Mayilladuthurai District.

5.The President
Panchayat Union Office
Mayilladuthurai District.

6.K.Rajesh

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to take appropriate action against the 2nd to 4th respondents and also to sanction appropriate compensation of Rs.25 lakhs for the negligence death of minor child Sahana by considering the petitioner's representation dated 14.08.2025 and pass orders.

For Petitioner : Ms.R.Shakthi Priya

For Respondents : Mr.Shahjahan
Special Government Pleader
for R1 to R3

Mr.L.S.M.Hasan Fizal
Additional Government Pleader
Assisted by Mr.Mohammed Sathik
for R4 & R5

ORDER

Heard Ms.R.Shakthi Priya for petitioner, Mr.M.Shahjahan for respondents 1 to 3 and Mr.L.S.M.Hasan Fizal assisted by Mr.Mohammed Sathik for respondents 4 and 5



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2.The petitioner alleging that, the construction put up by the sixth respondent is defective, on account of which, an unfortunate incident took place on 23.07.2025. A wall constructed by the sixth respondent fell on his granddaughter, Sahana and she passed away. He has approached this Court seeking compensation of Rs.25,00,000/-.

3. Ms.R.Shakthi Priya urges that the Delhi High Court has taken a view in ***Ram Kishore Vs Municipal Corporation of Delhi*** [2007 (97) DRJ 445], where the construction put up by the Municipal Authorities, has resulted in death of a user, the writ court can grant compensation.

4.Mr.Shahjahan urges that the construction has not been put up by the Panchayat as alleged by the petitioner, but by the sixth respondent. He disputes the assertion of Ms.R.Shakthi Priya that the alleged construction was put up by the local body.

5. This being a disputed question of law, I do not think it would be



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appropriate to probe into the same in a writ petition. Disputed question of facts have to be thrashed out before the jurisdictional civil Court. Leaving it open to the petitioner to move the civil Court for damages arising out of the unfortunate incident, this writ petition is dismissed. No costs.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation: Yes / No

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V.LAKSHMINARAYANAN,J.

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