



W.P(MD)No.2950 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P(MD)No.2950 of 2023

and

W.M.P(MD)Nos.2735, 2737 & 2738 of 2023

K.Jothi Masthan

... Petitioner

Vs

- 1.The Under Secretary,
Ministry of Road Transport and Highways,
Government of India, Transport Bhawan,
1, Parliament Street, New Delhi - 110 001.
- 2.The Additional Chief Secretary,
Home Department, Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai - 600 009.
- 3.The Principal Secretary
Highways and Minor Ports Department,
Government of Tamil Nadu, Fort St. George,
Secretariat, Chennai - 600 009.
- 4.The District Collector,
Office of the District Collector - Madurai,
Madurai - 625 020.
- 5.The Commissioner of Police,
Office of the Madurai City Police Commissioner,
Alagarkovil Main Road, K.Pudhur,
Madurai - 625 007.
- 6.The Commissioner of City Corporation, Madurai,
City Corporation Commissioner Office,
Tallakulam,
Madurai - 625 002.



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7.The Chief Engineer of City Corporation - Madurai,
Madurai City Corporation Commissioner Office,
Tallakulam,
Madurai - 625 002.

8.The Inspector of Police,
Tallakulam Police Station,
Madurai - 625 002.

9.The Project Director - Regional Office Madurai,
National Highways Authority of India,
Nos.2nd and 3rd Floor,
Vijay Krishna Plaza,
No.1 Lake Area,
Melur Main Road, Mattuthavani,
Madurai – 625 107.

10.The CEO and Managing Director,
JMC Projects (India) Limited,
A Kalpataru Group Enterprise,
A-104, Shapath-4, Opp. Karnavati Club,
S.G Road, Ahmedabad - 380 015.

11.The Project In-Charge,
JMC Projects (India) Limited,
Regional Office - Southern India (SIO),
50, Gold Tower, 2nd Floor, Residency Road,
Near Konark Hotel,
Bengaluru – 560 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents to provide adequate just and fair compensation to the petitioner herein for the injuries, damages and trauma, livelihood loss because of this fateful incident that occurred on 01.12.2022 while passing on the road in a bike near Thallakulam underneath the Madurai Natham National Highway Elevated bridge under construction within a time stipulated by this Court.



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For Petitioner : Mr.Henri Tiphagne
For R – 1 : Mr.K.R.Laxman
Central Government Standing Counsel
For RR 2 to 4 : Mr.D.Gandhi Raj
Special Government Pleader
For RR 5 & 8 : M/s.M.Aasha
Government Advocate (Crl. Side)
For RR 6 & 7 : M/s.S.Devasena
For RR 10 & 11 : No appearance

ORDER

This Writ Petition has been filed by the petitioner for a direction directing the respondents to pay compensation to the petitioner for the injuries sustained by him due to fall of debris while constructing the Madurai-Natham National Highways elevated bridge on 01.12.2022.

2.While the petitioner and the pillion rider were proceeding to their workplace by two-wheeler by about 11.15 a.m., on 01.12.2022, there was a sudden fall of debris from the construction of Madurai Natham National Highways elevated bridge. It fell down on the petitioner and the pillion rider and as such, the petitioner lost control and fell down and sustained injury. He was



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taken to hospital and got treatment. Now the petitioner had submitted a representation seeking compensation for the injury sustained by him and also damages and mental agony.

3. Admittedly, the construction work of the elevated bridge between Madurai and Natham was entrusted to respondents 10 & 11 while the contract was by the first respondent. Therefore, the respondents 1 to 7 were no way responsible for the untoward incident that happened to the petitioner. If at all, the respondents 10 & 11 failed to provide any safety measures while implementing the project of Madurai Natham National Highways elevated bridge, they are held responsible for the negligence for the untoward incident that happened to the petitioner. In fact, the F.I.R got registered in Crime No.854 of 2022 for the offence punishable under Section 337 of I.P.C as against the labourer of the respondents 10 & 11. Now, the investigation is pending. Further, though the notices were served on the respondents 10 & 11 and their names were printed in the cause list, none appeared on behalf of them either in person or through pleader. However, it is a disputed question of fact and it cannot be decided in this Writ Petition to award compensation. The petitioner ought to have approached the civil



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Court for appropriate relief as against the respondents 10 & 11. In view of the above, the Writ Petition itself is devoid of merits and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

31.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
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To

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G.K.ILANTHIRAIYAN, J.

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