

W.A.(MD)No.614 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.614 of 2024
and
C.M.P.(MD)No.4323 of 2024

The District Collector,
Office of Collectorate,
Karur.

... Appellant

Vs.

- 1.Sundara Lakshmi
- 2.The Government of Tamil Nadu,
Represented by its Secretary,
State of Highways Department,
St. George Fort, Chennai.
- 3.The Divisional Engineer,
Highways Department,
Karur.
- 4.The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.17958 of 2023, dated 19.12.2023.



WEB COPY



W.A.(MD)No.614 of 2024

For Appellants	:M/s.D.Farjana Ghoushia Special Government Pleader
For R1	:Mr.J.Madhu
For R2 and R3	:Mr.J.Ashok Additional Government Pleader
For R4	:Mr.A.Albert James Government Advocate

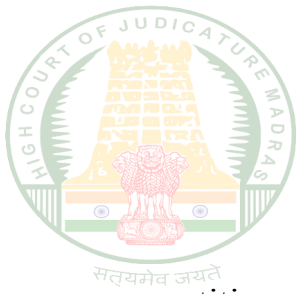
JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed by the District Collector against the order passed in W.P.(MD)No.17958 of 2023, dated 19.12.2023.

2. The writ petition was filed for issuance of a Writ of Certiorarified Mandamus, to quash the order, dated 05.10.2020 and to direct the respondents to pay compensation of Rs.10,00,000/- for the death of petitioner's husband namely Raman.

3. The brief facts as stated in the writ petition are that the writ petitioner's husband was doing coconut business. On 13.06.2020, the writ

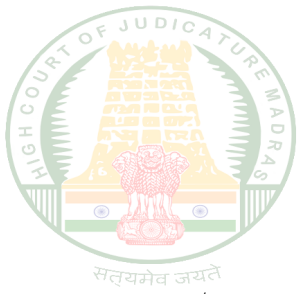


W.A.(MD)No.614 of 2024

WEB COPY

petitioner's husband and daughter were returning in his two-wheeler. Due to heavy rain, a tree on the road side fell on the writ petitioner's husband and he sustained grievous injuries on his chest and various parts of the body. a police complaint was preferred on next day, i.e., on 14.06.2020, but no FIR was registered. The writ petitioner's husband was given treatment in the government hospital. Due to the said accident, the writ petitioner's husband lost senses below the chest part. For further treatment, he was admitted in Karur Medical College Hospital and thereafter he was treated as outpatient. Subsequently, his condition deteriorated and he was admitted in Karur Medical College and he died on 16.12.2020.

4. The contention of the writ petitioner is that the accident took place due to lack of maintenance of trees by the 3rd respondent Highways Department. Hence the writ petitioner submitted a representation to the 2nd respondent District Collector on 14.08.2020 seeking compensation and the 2nd respondent forwarded the same on 02.09.2020 to 3rd respondent. The 3rd respondent, vide order, dated 05.10.2020, rejected the claim of compensation, since the tree had fallen down by the act of God. Further the respondents had



W.A.(MD)No.614 of 2024

not responded to the claim of compensation after the death of the writ petitioner's husband. Again, the writ petitioner preferred police complaint in FIR in Crime No.777 of 2020, dated 17.12.2020, under Section 174 of Criminal Procedure Code. Since the respondents in the writ petition failed to consider the same, the writ petitioner submitted a representation to the Chief Minister Cell on 22.03.2023. Thereafter, the impugned order in the writ petition, dated 05.10.2020, was passed rejecting the claim of the writ petitioner.

5. The respondents had filed counter affidavit stating that on receipt of the representation, the writ petitioner was directed to approach the 4th respondent Inspector of Police to get a recommendation from him. The writ petitioner failed to do so. Further, the writ petitioner's husband was admitted in hospital and he was treated in the hospital. Thereafter, he was treated as outpatient and the reason for his death is Septicemia and not due to the falling of tree. Even if it is considered, the writ petitioner's husband died due to the falling of tree, it is only an act of God and the respondents in the writ petition are not responsible to pay any compensation.

6. After considering the rival submissions, the Writ Court has held

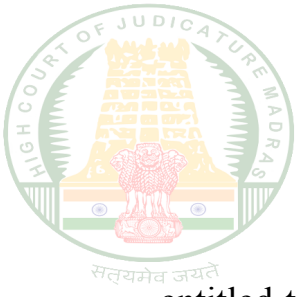


W.A.(MD)No.614 of 2024

that the G.O.(Ms).No.246, Revenue and Disaster Management, dated 03.08.2017 and G.O.(Ms).No.579, dated 09.12.2023, are applicable and has granted Rs.4,00,000/- as compensation with a condition if the 2nd respondent in the writ petition failed to pay the same within twelve weeks, the same shall carry interest at the rate of 6% per annum. Aggrieved over the same, the present writ appeal is filed by the 2nd respondent District Collector.

7. The contention of the appellant is that the Writ Court has rightly held that the Highways Department cannot be held responsible for the accident. When the Court has held that the Highways Department cannot be made liable, but had held the government ought to assume responsibility for the said accident and granted compensation, but the awarding compensation is against the finding that the Highways Department is not liable. Further, the G.O.Ms.No.246, Revenue and Disaster Management, dated 03.08.2017, states that the compensation can be granted for the purpose of grievous injury to the tune of Rs.12,700/- only.

8. After hearing the rival submission, this Court is of the considered opinion that as rightly pointed out by the appellant, the writ petitioner is



W.A.(MD)No.614 of 2024

WEB COPY

entitled to compensation for grievous injury alone as per G.O. When the writ petitioner's husband has survived for more than 6 months, thereafter he had died due to Septicemia, then the appellant cannot be made responsible to pay the compensation for the death which had occurred after 6 months. The compensation is only for the grievous injury due to accident occurred at that moment and not for death which happened long time after the accident. There is no direct link between the accident and the death. Since the death is due to Septicemia, it cannot be directly linked to the accident.

9. The writ petitioner submitted that the subsequent G.O. is applicable for quantifying the compensation. It is seen the government issued G.O.Ms.No.246, Revenue and Disaster Management, dated 03.08.2017 and G.O.Ms.No.579, Revenue and Disaster Management dated 09.12.2023. Since the accident occurred in the year 2020, G.O.Ms.No.246, may be applicable since on the date of accident i.e. on 13.06.2020 the said G.O. was in force. And the subsequent G.O.Ms.No.579, dated 09.12.2023, may not be applicable. In G.O.Ms.No.246 under clause 'C', for grievous injury the compensation is fixed as Rs.12,700/-. Since the writ petitioner is entitled to interest for belated



W.A.(MD)No.614 of 2024

WEB COPY

payment of compensation. However, this Court is of the considered opinion rather than granting interest, this Court is fixing the compensation as Rs. 50,000/- as full and final settlement. The compensation of Rs.50,000/- shall be paid by the appellant herein within a period of 8 weeks from the date of receipt of a copy of this order. If the amount is paid beyond the period of eight weeks, the same shall carry interest at 6% percent per annum.

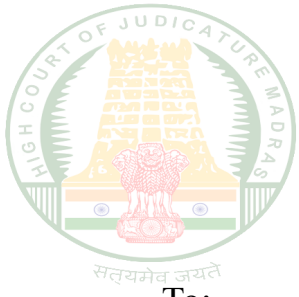
10. With the above said observations, the writ appeal is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
07.03.2025

Index : Yes / No

Tmg



W.A.(MD)No.614 of 2024

To:
WEB COPY

- 1.The District Collector,
Office of Collectorate,
Karur.
- 2.The Secretary,
State of Highways Department,
St.George Fort, Chennai.
- 3.The Divisional Engineer,
Highways Department,
Karur.
- 4.The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur.



WEB COPY



W.A.(MD)No.614 of 2024

J.NISHA BANU, J.

and

S.SRIMATHY, J.

Tmg

W.A(MD)No.614 of 2024

07.03.2025