



W.P(MD)No.11286 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.06.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.11286 of 2025

N.Kathirvel

... Petitioner

Vs

1. State of Tamil Nadu,
Represented by the Additional Chief Secretary to the Government,
Home, Prohibition and Excise Department,
Fort.St.George,
Chennai - 600 009.

2. State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
Municipal Administration and Water Supply Department,
Fort. St.George,
Chennai -600 009.

3. The District Collector,
Madurai District.

4. The Commissioner,
Madurai Corporation,
Madurai.

5. S. Nallathambi,
Proprietor,
Sri Kalalagar Transport and Demolition,
Alagarkovil Main Road,
Third Floor, K. Pudur, Madurai 625 007.

(R5 is Suo Motu Impleaded Vide Court order
dated 22.04.2025 in W.P(MD)No.11286 of 2025)

... Respondents



W.P(MD)No.11286 of 2025

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to pay compensation to the tune of Rs.50,00,000 (Fifty Lakh Rupees only) with proportionate interest to the Petitioner for the tragic death of the Petitioner's son, namely, K.Nagalingam, due to the accident occurred during the demolition of Nakkirar arch near Dr.M.G.R.Bus Stand, Maatuthavani, within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For R-1 to 3 : Mr.M.Senthil Ayyanar
Government Advocate

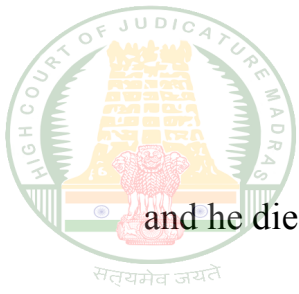
For R-4 : Mr.S.Vinayak

For R-5 : Mr.Na.Palaniyandi

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to pay compensation with proportionate interest to the petitioner for the tragic death of his son, namely, K.Nagalingam, who died in the accident that occurred during the demolition of the Nakkirar arch near Dr.M.G.R.Bus Stand, Maatuthavani.

2. The petitioner's son was engaged by the fourth respondent Corporation for removing the arch. While he was carrying out the work, debris fell on his head



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and he died on the spot.

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3. The learned Counsel appearing for the respondents vehemently opposed for fixing the said compensation since there is no statutory duty cast on the respondents.

4. The Corporation actually engaged the fifth respondent for carrying out the said work. The fifth respondent in turn engaged the deceased for carrying out the work.

5. Therefore, this Court is of the considered opinion that the State, the Corporation and the Contractor are liable to pay the compensation. Accordingly, the Corporation / fourth respondent and the Contractor / fifth respondent are directed to pay a sum of Rs.7,00,000/- (Rupees Seven Lakh only) each. The District Collector / third respondent is directed to pay a sum of the Rs.3,00,000/- (Rupees Three Lakh only) from any available fund / Scheme. In case of default in payment, the amount shall carry interest at the rate of 6% per annum. The entire amount shall be paid within a period of eight (8) weeks from the date of receipt of a copy of this order.

6. With the above said direction, this Writ Petition is disposed of. There



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shall be no order as to costs.

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7. Post the matter on **29.08.2025**, 'for reporting compliance'.

25.06.2025

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

jbr

To:

1. State of Tamil Nadu,
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Home, Prohibition and Excise Department,
Fort.St.George,
Chennai - 600 009.
2. State of Tamil Nadu,
Represented by the Principal Secretary to the Government,
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S.SRIMATHY, J.

jbr

ORDER MADE IN
W.P(MD)No.11286 of 2025

DATED : 25.06.2025