



W.P(MD)No.16045 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

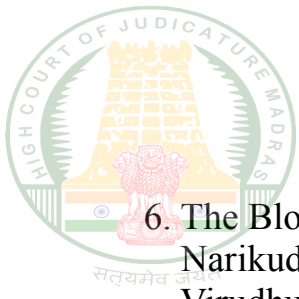
W.P(MD)No.16045 of 2025

Poomadevi

... Petitioner

Vs

1. The Secretary to Government,
Finance Department,
Secretariat, Fort
St. George,
Chennai - 600 009.
2. The Secretary to Government,,
Transport and Road Safety Department,
Secretariat, Fort St. George,
Chennai - 600 009.
3. The Secretary to Government,,
Rural Development and Panchayat Raj Department,
Secretariat, Fort St.George,
Chennai - 600 009.
4. The District Collector,
Virudhunagar District,
Virudhunagar.
5. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



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6. The Block Development Officer,
Narikudi Panchayat Union,
Virudhunagar District.

7. The Inspector of Police,,
Veeracholan Police Station,
Virudhunagar District.

8. R.Raj

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to award adequate compensation to the petitioner's family for the loss and suffering caused due to the fatality of petitioner's father, namely, Pathinettampadi (aged 55 years) in the road accident on account of failure of safety measures and negligence committed by the 8th respondent in the road under repair work and consequently direct the respondents 1 to 7 to take strict action against the erred Road Inspector, Engineer (In-Charge) under sixth respondent and the Contractor/8th respondent for their failure to ensure road safety measures and to formulate strict policies and guidelines regarding road safety measures and their enforcement within the time frame fixed by this Court.

For Petitioner	: Mr.S.Balamurugan
For R-1 to R-4	: Mr.M.Lingadurai Special Government Pleader
For R-5 & R-7	: Mrs.M.Aasha Government Advocate (Crl. Side)
For R-6	: Mr.S.Jeyapriya Government Advocate
For R-8	: Mr.Kishore Kumar



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ORDER

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The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to award adequate compensation to the petitioner's family for the loss and suffering caused due to the fatality of petitioner's father, namely, Pathinettampadi (aged 55 years), who died in a road accident.

2. The death of the petitioner's father was caused due to a road accident. The same issue was earlier raised before this Court in W.P.(MD)No.1868 of 2024 dated 02.04.2024. The learned Single Judge, by order dated 02.04.2024, directed the petitioner to file a civil suit since the fact of the accident ought to be proved through evidence. In the present case, according to the petitioner, the accident occurred due to the improper placement of a rope for barricade in the road. The petitioner's father without noticing the rope, hit it, sustained fatal injuries and died on the spot.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the petitioner's father was carrying two bags of paddy, each contains 30 kilograms and when he hit the rope, he lost his balance and fell down, and accident occurred. He further submitted that preventive



measures were taken. Further the petitioner's mother has already received a sum of Rs.1,00,000/- under the PM's Relief Fund. The said submissions are recorded.

4. In view of the above, this Court is of the considered opinion that the appropriate remedy for the petitioner is to approach the Civil Court. In the earlier order also the learned Single Judge had already directed the petitioner to file a civil suit and the relevant portion is extracted hereunder:

“4.I therefore permit the legal heirs of the deceased to file a civil suit in this regard. If such a suit is filed within a period of four weeks from the date of receipt of a copy of this order, the same will be entertained without reference to limitation. The respondents agree before this Court that they will not plead limitation as a defence.

5. The case of the petitioner is to be examined entirely on merits. If the plaintiffs do not have the wherewithal to pay Court fee they can very well file a pauper OP. If such pauper OP is filed, the jurisdictional Tahsildar will conduct enquiry and submit his report as expeditiously as possible. The plaintiffs-wherewithal shall not be determined with reference to the value of the immovable property they own. If they do not have liquid funds, the plaintiffs can very well be permitted to institute the suit for compensation / damages as paupers. The occurrence had taken place in the year 2021. If any suit is filed within the time limit as mentioned above, it shall be disposed of on merits and in accordance with law within a period of 18 months thereafter.”



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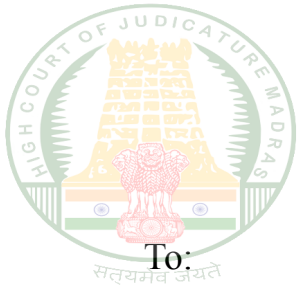
5. Therefore, this Court is directing the petitioner to approach the appropriate the Civil Court within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case. All factual disputes are left open to be adjudicated by the Civil Court, and orders may be passed uninfluenced by any of the observations made herein.

6. With the above said directions, this Writ Petition is disposed of. There shall be no order as to costs.

08.07.2025

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

jbr



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S.SRIMATHY, J.

jbr

ORDER MADE IN
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