



W.P (MD).No.20729 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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P.Malaisamy

.... Petitioner

Vs

1.The Regional Manager,
National Highways Authority of India,
Second and Third Floor,
Vijaya Krishna Plaza,
Plot No.1, Lake Area, Madurai.

2.The Project Manager,
JMC Projects,
Door No.142,
Velachery Main Road,
Velachery,
Chennai-600 042.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 28.07.2022 and to disburse a compensation of Rs.20,00,000/- to the petitioner within time frame that may be stipulated by this court.

For Petitioner	: Mr.J.Barathan
For R1	: Mr.P.Karthik
	Standing Counsel



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ORDER

This writ petition has been filed for a direction directing the respondents to consider the representation submitted by the petitioner seeking compensation of Rs.20,00,000/- for the injury sustained by him.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner was travelling in the EICHER vehicle bearing Registration No.TN-64-M-8355 on 05.02.2022 as a load man by loading broiler chickens near the office of the Electricity Board, Thiruppalai on the Natham Road. The first respondent had entrusted the work of elevated highway in the Natham road. The second respondent is the contractor. At this juncture, a iron rod weighing above 10 kg used during the process of construction of elevated work fell down on the petitioner's chest and as such, he sustained injuries. His ribs Nos.7,8,9 and 10 in the right side rib got fractured and immediately he was taken to the hospital for treatment. On the complaint lodged by the petitioner, a case in Cr.No.33 of 2022 has been registered as against the seventh respondent on the file of the Thiruppalai Police Station, Madurai and it is pending for



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investigation. Admittedly, elevation work in Natham was entrusted by the first respondent through the second respondent and therefore there is no vicarious liability on the part of the first respondent. If the second respondent failed to take any safety measure while work was under progress, the second respondent is liable to pay compensation for the untoward incident happened during the project. Therefore, the representation submitted by the petitioner seeking compensation cannot be considered and it is liable to be dismissed.

4. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to seek compensation as against the second respondent in the manner known to law. No costs.

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
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G.K.ILANTHIRAIYAN, J.

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