



**W.P(MD)No.21573 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 27.01.2025**

**CORAM**

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

**W.P(MD)No.21573 of 2022**

**and**

**W.M.P(MD)No.15722 of 2022**

Sundari

... Petitioner

**Vs**

- 1.The Regional Officer,  
The Ministry of Road Transport & Highways (NH),  
C-1-A, Rajaji Bhavan, Besant Nagar,  
Chennai-09.
- 2.The Executive Engineer,  
The Ministry of Road Transport & Highways (NH),  
C-1-A, Rajaji Bhavan, Besant Nagar,  
Chennai-09.
- 3.The Superintendent Engineer (NH),  
No.5, Besant Road,  
Chinna Chokkikulam,  
Madurai-625 002.
- 4.The Divisional Engineer (NH),  
No.5, Besant Road,  
Chinna Chokkikulam,  
Madurai-625 002.
- 5.The Assistant Divisional Engineer (NH),  
Opposite Kalaingar Mahal,  
Thirupattur Road,  
Sivagangai, Sivagangai District.



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6.The Managing Director,  
M/s.Lucky Associates,  
No.151-E, 5th street,  
K.K.Nagar,  
Madurai-625 020.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to pay to the petitioner and her family compensation of Rs.50 lakhs towards the death of the petitioner's husband Sethurajan on the NH 230 Highway on 18/19.08.2022 caused due to the negligence of the 6<sup>th</sup> respondent and failure of the respondents 1 to 5 to perform their duties diligently and properly.

|                |                                                 |
|----------------|-------------------------------------------------|
| For Petitioner | : Mr.V.Kannan                                   |
| For R1 to R5   | : Mr.D.Gandhi Raj<br>Special Government Pleader |
| For R6         | : Mr.M.Seenisulthan                             |

### **ORDER**

This writ petition has been filed seeking for a direction to the respondents to pay a sum of Rs.50 lakhs as compensation to the petitioner and her family members towards the death of the petitioner's husband namely, Sethurajan, due to the negligence on the part of the sixth respondent.



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

3. The petitioner's husband, while he was travelling in his motorcycle via National Highways 230 between Madurai and Tondi Port Town, there was road repair work and also construction of the bridge and the said work was awarded in favour of the sixth respondent, who is a contractor. There was a pit and the same was not protected with safety measures. Therefore, the petitioner's husband, without noticing the same, fell down in the said pit and sustained grievous injuries and also died.

4. An FIR was registered as against the sixth respondent in Crime No.193 of 2022 on the file of the Inspector of Police, Sivagangai Taluk Police Station for the offence punishable under Section 304(A) of IPC and it is pending for investigation. Subsequently, after investigation, it was closed as “further action dropped” by the report dated 12.12.2022.

5. However, the sixth respondent insured the work, which was awarded in his favour, with the Oriental Insurance Co.Ltd., under the Contractors All Risk Policy Schedule. Therefore, other respondents 1 to



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5 are not held vicariously liable to pay any compensation on the claim of the petitioner. The sixth respondent has also paid a sum of Rs.3,00,000/- as compensation on their part, by way of demand draft bearing No.3 TL 111340 dated 23.01.2025 and the same was duly received by the petitioner today. However, the petitioner is at liberty to make a claim under the Contractors All Risk Policy Schedule, in Policy No. 480102/44/2023/5, which is valid from 09.06.2022 to 08.12.2023, within a period of two weeks from today.

6. In fine, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**27.01.2025**

Index : Yes / No  
NCC : Yes / No  
Sm

**Note: Issue order copy on 28.01.2025.**



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**TO:-**

WEB COPY

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G.K.ILANTHIRAIYAN, J.

Sm

Order made in  
W.P.(MD)No.21573 of 2022

Dated:  
27.01.2025