



W.P(MD)No.16269 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16269 of 2014

Swamiji

... Petitioner

Vs.

- 1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St.Fort George, Chennai.
- 2.The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
- 3.The Deputy Director (Health),
Office of the Deputy Director (Health),
Tamil Nadu Health Department,
Thiruvannamalai.
- 4.The Commissioner,
Thiruvannamalai Municipality,
Thiruvannamalai.
- 5.The Executive Officer,
Arulmigu Arunachaleswarar Thirukovil,
Thiruvannamalai.
- 6.The Superintending Engineer,
TANGEDCO, Thiruvannamalai.
- 7.The Junior Engineer,
TANGEDCO, Thiruvannamalai.



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8. The Assistant Engineer,
TANGEDCO, Thiruvannamalai.

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***(R6 to R8 were impleaded vide order
of this Court dated 09.03.2023 in
W.M.P(MD)No.2898 of 2023)***

9. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Chennai.

***(R.9 is suo motu impleaded vide
order of this Court dated 21.09.2023)***

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.50,00,000/- (Fifty Lakhs) to the petitioner for the death of petitioner's son caused due to the negligence of the respondents.

For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 to R.3 & R9

Mr.R.R.Kannan for R.5

Mr.S.Dheenadhayalan for R6 to R8



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ORDER

The petitioner's son Angappan @ Vignesh was a B.E degree holder. On 14.05.2014, he went to Thiruvannamalai along with his friends to circumambulate the hill of Arunachala (Girivalam). It was a full moon day. At around 10.45 p.m, when the petitioner was performing girivalam, a hoarding installed on the road side fell on the petitioner's son and his friends. The petitioner's son suffered grievous injury. He was rushed to the medical camp that had been organised by the fifth respondent temple. There was electricity leakage and when the petitioner's son happened to touch one of the pillars of the tent, he suffered electrocution. He was rushed to Government Hospital. He died en route. Crime No.236 of 2014 was registered on the file of East Police Station, Thiruvannamalai. The Government of Tamil Nadu announced ex gratia payment of Rs.1.00 Lakh. Seeking payment of compensation, the present writ petition came to be filed.

2.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.



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3.The writ petition was originally filed only against the Government of Tamil Nadu, the Thiruvannamalai Municipality and the Executive Officer of Arulmigu Arunachalaeswarar Temple. Subsequently, TANGEDCO was impleaded as party respondent.

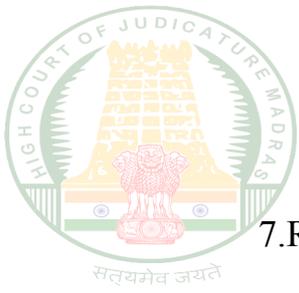
4.Heard the learned Additional Government Pleader appearing for the Government, the learned Standing Counsel appearing for TANGEDCO and the learned standing counsel appearing for the temple. There is no representation on the side of the municipality.

5.I carefully considered the rival contentions and went through the materials on record. The death of the petitioner's son was entirely due to the negligence on the part of the concerned authorities. On account of the falling of the hoarding put up on the girivalam pathway, the petitioner's son suffered injury and had to be taken to the medical camp where he was electrocuted. Of course, the fall of the hoarding cannot be considered as a proximate cause for the petitioner's son's death. However, it is the duty of the local body to ensure that the hoardings are installed properly. I take judicial notice of the fact that quite a few fatalities have occurred on account of the unsafe installation of hoardings in Tamil Nadu.



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6. Thiruvannamalai is a renowned pilgrim centre. The holy hill of Arunachala is situated therein. It attracted the great sage Ramana Maharishi. Seshadri Swamigal and sage Ramsuratkumar had lived in the town. Every full moon day, lakhs of devotees visit Thiruvannamalai to perform Girivalam. Even on other days, devotees throng the temple and the ashrams. The statutory scheme set out in the Tamil Nadu District Municipalities Act, 1920 casts obligation on the part of the local body to make appropriate arrangements for the well-being of the devotees. The Municipality cannot remain content with collection of license fees and tolls. Chapter VII deals with sanitation. Chapter VIII deals with scavenging. Chapter XI pertains to nuisances. Sections 218 to 222 in particular deal with the power of the Municipality to avert danger and ensure the safety of the general public. The Hon'ble Supreme Court in *Sarika vs. Shri Mahakaleshwar Mandir Committee (2018) 17 SCC 112* had held that where there is a large number of a gathering of persons every day and in particular during melas and other festival times, the State has the obligation to provide the basic amenities to the pilgrims. It is the bounden duty of the government to make proper arrangement to provide shelter places, for maintenance of law and order and to sanction the amount without fear of violation of the concept of secularism.



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7. Respectfully applying the ratio laid down above, I hold that the District Administration as well as the local body are responsible for ensuring the safety of the pilgrims and devotees. The authorities ought to foresee that there will be some unfortunate occurrence and that therefore proper arrangements should be in place. It was their duty to have ensured that in the medical camp, foolproof, safety arrangements had been made. Medical camp must have facilities to save the patients. But in this case, the medical camp turned out to be the cause for death. On account of improper wiring, leakage had taken place. When the petitioner's son happened to come in contact with one of the iron pillars, he suffered electrocution. Of course, TANGEDCO cannot be blamed for the occurrence. The persons who organised the medical camp ought to be blamed. But then, the overall responsibility will lie only on the District Administration and the local body. I, therefore, hold that the District Administration as well the local body (Respondents 2 and 4) are responsible for paying compensation to the petitioner.

8. Next comes the question of determination of the compensation. The petitioner's son had passed out of Jeppiaar Engineering College, Chennai. It is a well-known institution. It is not yet another Engineering College that mushroomed in the State of Tamil Nadu. The petitioner's son had scored 473



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out of 500 in 10th standard and in Higher Secondary, he had scored 1145 out of 1200. He had scored very good grade in B.E degree examinations also. He definitely had a very bright future. The learned counsel appearing for the petitioner states that the petitioner's wife / mother of the deceased felt heart broken and died two years ago. The petitioner's family has really suffered as a consequence.

9.Compensation has to be calculated with reference to the age of the victim. As per the recent decision of the Hon'ble Apex Court, future prospects will have to be taken into account. The petitioner has enclosed in the typed set of papers the offer letter which was received by his son. The petitioner would have spent a substantial sum towards his son's education. Taking into account all these aspects even by a very conservative estimate, the petitioner would be entitled to compensation of Rs.25,00,000/- (Rupees Twenty Five Lakhs only). Joint and several liability is imposed on the State Government / District Administration / Thiruvannamalai Municipality. The ninth respondent is directed to pay the said amount of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) to the petitioner within a period of four weeks from the date of receipt of a copy of this order. If the amount is paid within a period of four weeks, it will not carry interest. If it is not paid within the time stipulated above, it will carry



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6% interest from the date of filing this writ petition. This writ petition is

allowed. There shall be no order as to costs.

21.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA/skm

Issue order copy on 25.09.2023

To

- 1.The Chief Secretary, Government of Tamil Nadu,
Secretariat, St.Fort George, Chennai.
- 2.The District Collector, Thiruvannamalai District, Thiruvannamalai.
- 3.The Deputy Director (Health), Tamil Nadu Health Department,
Thiruvannamalai.
- 4.The Commissioner, Thiruvannamalai Municipality, Thiruvannamalai.
- 5.The Executive Officer, Arulmigu Arunachaleswarar Thirukovil,
Thiruvannamalai.
- 6.The Superintending Engineer, TANGEDCO, Thiruvannamalai.
- 7.The Secretary to Government, Municipal Administration and
Water Supply Department, Government of Tamil Nadu, Chennai.



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G.R.SWAMINATHAN, J.

MGA/skm

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