



W.P.(MD)No.24784 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2026

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THE HONOURABLE **Mr. JUSTICE KRISHNAN RAMASAMY**

W.P.(MD)No.24784 of 2022

S.Prema Latha

...Petitioner

vs.

1.The Secretary to the Government of Tamil Nadu,
Forest Department,
St.Fort George,
Chennai.

2.The District Forest Officer,
District Forest Office,
Forest Road,
Theni.

3.The Divisional Engineer (H),
State Highways Department,
Construction and Maintenance,
Theni Division, Theni,
Theni District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents to give compensation for the death of petitioner's husband due to falling of State Highways tree at SH 227, Theni - Srirengapuram Road, near Madumathi Mooligai Hospital, based on the petitioner's representation dated 31.03.2021 within the time fixed by this Court.



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For Petitioner : Mr.M.Vivek Bharathi

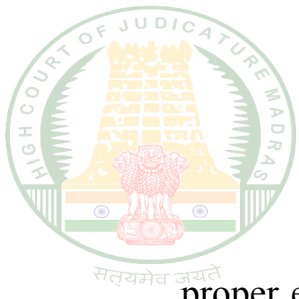
For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

This Writ Petition has been filed to direct the respondents to give compensation for the death of the petitioner's husband due to falling of State Highways tree at SH 227, Theni - Srirangapuram Road, near Madumathi Mooligai Hospital, based on the petitioner's representation dated 31.03.2021.

2. The learned counsel appearing for the petitioner would submit that a dead wood has fallen down over the petitioner's husband and father-in-law during their ride in a two wheeler. According to the learned counsel, had the respondents taken appropriate steps to remove the dead wood and were diligent in their duty, such falling down of the dead wood could have been avoided. Due to the negligence on the part of the respondents, the petitioner's husband and father-in-law both died. He therefore prayed for appropriate orders.

3. The learned Additional Government Pleader appearing for the respondents denied the contentions of the learned counsel for the petitioner. Whether the subject wood is a dead wood or not is to be proved by adducing



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proper evidence before the Trial Court. Further, according to him, only one person died on the spot and another person sustained injuries only.

4. Upon hearing both sides, this Court is of the opinion that there are disputed question of facts involved in this case. Therefore, the right course of remedy available to the petitioner is to approach Civil Court or Consumer Forum. Hence, the petitioner is at liberty to approach the appropriate forum within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition is disposed of. No costs.

22.01.2026

Speaking / Non-speaking order

Index : Yes/No

NCC : Yes/No

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KRISHNAN RAMASAMY, J.

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