

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 20.03.2017****CORAM:****THE HON'BLE MRS. JUSTICE J.NISHA BANU****W.P. (MD) No.912 of 2015**

P.Paul Durai

... Petitioner

-vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Tirunelveli District.

3.The District Forest Officer,
Tirunelveli District, Tirunelveli.

4.The Forest Ranger,
Ambasamuthram Range,
Tirunelveli District.

5.The Deputy Director / Wild Life Warden,
Project Tiger Kalakkadu Mundandurai
Tiger Reserve, Ambasamutram,
Tirunelveli District.

.. Respondents

(R5 impleaded as per the order dated 20.03.2017 made in W.M.P.
(MD) .No.3764 of 2017)

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 3 to provide fair amount of compensation to the petitioner for the bear attack.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.R.Anandaraj,
Govt. Advocate**ORDER**

This writ petition has been filed by the petitioner seeking a direction the respondents 1 and 3 to provide fair amount of compensation to the petitioner for the bear attack.



2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner averred among the other things in the affidavit filed in support of the petition that he is residing in Chettimedu Village, Ambasamutharam Taluk, Tirunelveli District. He is a farmer and having land at Chettimedu Village. Adjacent to his village, a reserve forest is situated. On 31.08.2014, the petitioner went to his agricultural land at about 8. a.m. for maintaining the crops as usual. At that time, a bear unexpectedly attacked him and bitted his left hand. Due to his alarming, the people in the near by field came to the spot and then, the bear ran away from the spot. The people, who gathered there, suddenly took the petitioner to the Government Hospital, wherein eight stitches have been made in the left hand palm of the petitioner. Thereafter, the Police officials, attached with Vickaramasingapuram Police Station, came to the hospital and recorded his statement. Due to the bear attack, the petitioner could not do his routine work of farming and move freely for more than three months. As per the Wild Life (Protection) Act, 1972 and as per G.O.Ms.No.205, Environment and Forests (FR V) Department, dated 12.09.2000, the petitioner is entitled for compensation for wild animal attack. In this regard, he has sent a representation to the respondents. As there was no response to the same, he has come up with this writ petition seeking the aforesaid prayer.

4. When the matter came up for hearing on 16.03.2017, the learned Government Advocate appearing for the respondents submitted that the Deputy Director / Wild Life Warden, Project Tiger Kalakkadu Mundandurai Tiger Reserve, Ambasamutram, Tirunelveli District, who is the competent authority to consider this issue, has not been impleaded and that no representation has been sent to him. Taking into account the pathetic situation of the petitioner, this Court has given time to the petitioner to implead the necessary party and to send representation to the said party.

5. Today, when the matter came up for hearing, the petitioner has filed impleading petition. On allowing the same, this Court impleaded the proposed party as fifth respondent in the writ petition. The learned counsel for the petitioner submitted that the petitioner has sent a representation, dated 17.03.2017, claiming compensation to the fifth respondent. In support of his submission, he has also produced a copy of the said representation before this Court.

6. In view of the above, without going into the merits of the contentions of the petitioner, this Court directs the fifth respondent to consider the representation of the petitioner, dated



17.03.2017, in the light of G.O).Ms.No.205, Environment and Forests (FR V) Department, dated 12.09.2000 and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. The petitioner is permitted to send a copy of the representation dated 17.03.2017 along with a copy of this order to the fifth respondent for speedy consideration.

7.This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assiatant Registrar

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
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- 4.The Forest Ranger,
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Tirunelveli District.
- 5.The Deputy Director / Wild Life Warden,
Project Tiger Kalakkadu Mundandurai
Tiger Reserve, Ambasamutram,
Tirunelveli District.

+1cc to Mr.R.Venkatesan, Advocate Sr.No.16036
+1cc to The Spl. Government Pleader Sr.No.16214

GCG

VB/MR/SAR4/19.04.2017/3P/8C

W.P. (MD) No.912 of 2015
20.03.2017