

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO. 10157 OF 2017**

Latifa Dastagir Sayyed

.. Petitioner

**Versus**

The State of Maharashtra and others

.. Respondents

Shri Vilas P. Savant, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND  
SUNIL K. KOTWAL, JJ.**

**DATE : 13TH AUGUST, 2018.**

**FINAL ORDER :**

. The petitioner claims to be labourer doing work of sugar cane cutting. According to the petitioner, deceased husband of the petitioner was also doing the work of sugar cane cutting. In the mid night of 14.02.2016, when the husband of the petitioner was asleep, at that time the forest animal hyena/Taras attacked the husband of the petitioner. He was admitted in the private hospital and then in the Government Hospital and later on in Sassoon Hospital, Pune. After the discharge he died on 07.03.2016. Upon his death a complaint was lodged with the police station. Same was registered as A. D. No. 16/2016. The spot panchanama was conducted and thereafter, funeral took

place. On or about 23.05.2016, the petitioner made an application for payment of compensation towards death of her husband as per the Government policy under the Government Resolution dated 02nd July, 2010 and subsequently modified vide G. R. dated 30<sup>th</sup> March, 2013, G. R. dated 16.01.2015 and the notification dated 28.11.2016. The application of the petitioner has not been considered on the count that, the complaint was filed for compensation on 23.05.2016. The incident had taken place on 14.02.2015. The Authorized officer had gone on the spot, who could not find any sign of attack by the wild animal and the application is disposed of.

2. Mr. Sawant, the learned counsel for the petitioner submits that, the postmortem report shows, abrasion over back right side. The said report also states that, cause of death is interstitial pneumonitis. The same is because of attack of wild animal. According to the learned counsel, case papers of the hospital where the husband of the petitioner was admitted for the first time also refers about the animal bite and multiple facial injuries. The reasoning adopted is erroneous.

3. Mr. Pulkundwar, the learned Assistant Government Pleader submits that, as per the relevant notification and the Government Resolution, a complaint has to be lodged within a period of 48 hours the person is attacked by the animal and within three days the local police or the authorized officer has to

go on the spot and conduct panchanama of the attack. The petitioner had approached and lodged the complaint after three months, still the officers had been to the spot and could not find any traces of the attack of the wild animal.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. The policy formulated by the State is a Social Welfare policy. It is meant to ameliorate and provide relief to the family of poor labourer, who dies on account of attack by wild animal, snake bite and for such reasons as stipulated in the notification and the relevant Government Resolutions. It would not be possible to take pedantic approach in such matters, and pragmatic approach would be the need of the hour. We had asked the petitioner to place on record the case papers when the husband of the petitioner was admitted, for the first time. The learned counsel has produced on record the case papers of the hospital. Under the column attack it is stated unknown animal bite over facial region and multiple facial injuries. In the case history also animal bite/attack over the facial region, multiple CLW over facial region was observed, suturing was done. There were multiple bite marks over the facial region and the left hand. There was bleeding through the wounds. The initial diagnosis itself very categorically states that the same is because of the attack by the wild animal.

6. Naturally, subsequently there would not be any traces of attack by animal.

7. At the time when the respondent rejected the claim of the petitioner, the case papers were not produced by the petitioner before the authority.

8. After having gone through the case papers, it would be appropriate for the respondent authority to consider claim of the petitioner on merits. We have observed this because after the claim papers were received, the authorities had been to the spot, verified about the genuineness of the claim of the petitioner and then had rejected solely on the ground that the application is made after three months.

9. Considering the above, the impugned communication dated 29.06.2017 is quashed and set aside. The respondent authorities shall consider the claim of the petitioner on merit. The petitioner shall place before the authorities the case papers and the authority shall take decision with regard to payment of compensation to the petitioner expeditiously and preferably within a period of three (03) months from today. The writ petition is disposed of. No costs.

**[SUNIL K. KOTWAL, J.]**

*bsb/Aug. 18*

**[S. V. GANGAPURWALA, J.]**

Bhalchandra  
Sudhakar  
Bodke

Digitally signed  
by Bhalchandra  
Sudhakar Bodke  
Date: 2018.08.16  
11:59:15 +0530