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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC. No. 3124 OF 2019**

Vikram Bhatt, S/o Late Heera Lal Bhatt, Aged About 29 Years, Village Maanpur, Pahadi, Tahsil Chuikhadaan, District: Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

1. State of Chhattisgarh Through Secretary, Revenue And Disaster Department, Mantralaya, Atal Nagar, District Raipur, Chhattisgarh.
2. The Collector, District- Rajnandgaon, Chhattisgarh.
3. Sub Divisional Officer (Revenue) Gandai/Chuikhadan), District: Rajnandgaon, Chhattisgarh
4. Tahsildar -Tahsil Chuikhadan, District :Rajnandgaon, Chhattisgarh

---Respondent(s)

For Petitioner	:	Mr. Parag Kotecha, Advocate.
For State	:	Ms. Abhyunnati Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****15.10.2019**

1. The challenge in the present writ petition is to the order Annexure P-5 dated 19.06.2019 whereby the claim for compensation on the death of father of the petitioner has been rejected.
2. The contention of the petitioner is that the father of the petitioner was struck with lightening on 15.07.2018 and he died. After being struck by lightening the father of the petitioner fell in a Nala nearby and because of heavy water flow in the said Nala. The body flowed away somewhere without being traced. Thereafter, the villagers lodged a complaint before the Police Station at Maanpur district Rajnandgaon where a missing report was also lodged and

Panchnama, Merg was also prepared. The statement of few villagers were also recorded.

3. However, finally when the application for compensation was processed by the authorities concerned, it was found that there was no documentary evidence to establish the accidental death of the deceased person nor it was a case where the body was recovered, postmortem report was also not available to establish the fact that the deceased person had died either by lightening or by drowning in the Nala nearby. The absence of any such documentary evidence, the authorities concerned vide impugned order Annexure P-5 dated 19.06.2019 had rejected the claim application leading to the filing of the present writ petition.
4. This Court finds it difficult to accept the contention of the petitioner that the authorities concerned have not taken note of the oral evidence laid by a few villagers and the Police report lodged so far as the incident is concerned. For awarding of compensation by the State Government what is primarily required is cogent evidence to establish that the deceased has firstly died, secondly, deceased died a accidental death either by drowning or by lightening. In the instant case however there is no cogent evidence whatsoever available except for the bald oral statement made by a few villagers in respect of the death of the deceased person Late Heera Lal Bhatt.
5. Admitted position from the factual matrix of the case itself is that the body of the deceased could not be traced or recovered. In the absence of recovery of the body, there was no postmortem report

available to determine the death of the deceased and the cause of death of the deceased.

6. Counsel for the petitioner referred two judgments of this High Court i.e. WPC No. 3167 of 2018 and WPC No. 90 of 2019 decided on 14.12.2018 and 14.01.2019 respectively which would not come to the aid of the petitioner for the simple reason in the two judgments cited that there was the body of the deceased person recovered, the cause of death could be easily ascertained whereas in the instant case, neither the body was recovered nor was any evidence so far as the death of the deceased as also cause of the death is concerned, therefore, the judgments rendered by the petitioner are quite distinguishable facts.
7. Under the circumstances of the case, this Court does not find the order passed by the authorities concerned in rejecting the claim to be bad-in-law in any manner. Reserving the right of the petitioner to approach the authorities in the event of tracing of cogent material reviving, the claim for compensation, the present writ petition as of now stands rejected.

Sd/-
(P. Sam Koshy)
Judge