

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 90 of 2019**

- Nomin Bai Netam W/o Late Sampatlal Netam Aged About 30 Years
R/o House No. 22, Ward No. 2, Ghorda, Arjuni, Dongargaon, District
Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Its Secretary, Revenue And Disaster
Management, Mantralaya, Naya Raipur, District Raipur
Chhattisgarh.
2. The Collector Rajnandgaon Chhattisgarh.
3. Additional Collector Rajnandgaon Chhattisgarh.
4. Sub Division Officer (Revenue) Dongargaon District Rajnandgaon
Chhattisgarh.

---- Respondent

For Petitioner : Shri Parag Kotecha, Advocate.
For Respondents : Shri Rajesh Singh, Deputy GA.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****14/01/2019 :**

1. The petitioner is claiming direction to the respondents to grant
financial help/compensation of Rs.4 lakhs in accordance with the
State Government's circular dated 9.6.2015 (Annexure-P/3) on
account of death of her son Bhaneshwar, who died due to snake bite
on 23.8.2016.
2. It is argued that the petitioner is entitled to compensation, as the

Government has issued a circular to award such compensation to the legal heirs of a person who dies on account of snake bite. Learned counsel would draw attention of the Court to para-*Five* of the circular. It is also argued that the petitioner has been denied compensation only for the reason that there is no postmortem report to prove that deceased Bhaneshwar died due to snake bite.

3. Perusal of the order sheets of the SDO, Dongergaon would reveal that before rejecting the application, the SDO has not bothered to summon report from the concerned Gram Panchayat nor has examined witnesses of the nearby areas where the deceased suffered snake bite. The SDO failed to conduct enquiry despite there being inquest signed by at least 8 villagers certifying that the deceased died on account of snake bite. It is also disturbing to note that the SDO (Revenue) dismissed the application despite there being favourable recommendation by Tehsildar, Dongergaon, which is available at page 43 of the Writ Petition. More startling is the fact that based on the recommendations of Tehsildar, the SDO (Revenue) has passed an order on 17.8.2017 for payment of Rs.4 lakhs, which was placed before the Collector, who sought for postmortem report and eventually the application was dismissed for want of postmortem report. Bare perusal of para-*Five* of the circular would highlight that postmortem report would be available only in such cases where the death has been reported to the Government Officers and postmortem has been done. If a person dies on account of natural calamity or due to accidental snake or scorpion bite, it is not expected from ordinary villagers that they would request for postmortem examination. In fact, poor and illiterate villagers are not

aware about the Government circulars or requirement of postmortem examination for obtaining financial assistance from the Government. It will be asking too much from rustic villagers to immediately proceed for postmortem examination after the death of family members.

4. I cannot ignore the ground realities and the prevailing functioning of the Government agencies and employees that usually on such contingencies people avoid visiting the Police Station and Hospitals on fear that they may get entrapped in litigation. Therefore, the SDO (Revenue) appears to have committed serious error in rejecting the petitioner's application for grant of financial assistance under the State Government's circular only for the reason that postmortem report is not available. When inquest signed by the villagers including Kotwar, Sarpanch and Patwari is available on record, the SDO (Revenue) should have shown humanitarian approach rather than searching for technicalities for dismissing the application.
5. For the above stated reasons, the Writ Petition deserves to be and is hereby allowed at the admission stage itself. The Collector, Rajnandgaon is directed to make payment of Rs.4 Lakhs to the petitioner within a period of 2 months from the date of submission of certified copy of this order.

Sd/-
Judge
(Prashant Kumar Mishra)

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