

HIGH COURT OF CHHATTISGARH AT BILASPUR**WRIT PETITION (C) NO. 855 OF 2020**

- Ganeshu Das Mahant, S/o Agar Das, aged about 32 years, R/o Village Gidha, Tahsil Kharsiya, District Raigarh (CG)

... Petitioner**versus**

1. State of Chhattisgarh, through Secretary, Department of Disaster and Management, Mahanadi Bhawan, Mantralaya, Atal Nagar, Raipur, District Raipur.
2. Collector, Raigarh, District Raigarh (CG)
3. Sub Divisional Officer (Rev.), Kharsiya, District Raigarh (CG)
4. Tahsildar, Tahsil Kharsiya, District Raigarh (CG)
5. Superintendent of Police, Raigarh, District Raigarh (CG)
6. Station House Officer, through Police Station, Kharsiya, District Raigarh.

... Respondents

For Petitioner	:	Mr. Manoj Kumar Jaiswal, Advocate.
For Respondents	:	Mr. Anshuman Shrivastava, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13/03/2020**

1. Challenge in the present writ petition is to the order dated 20.1.2020 whereby the claim of the petitioner for compensation on the death of his wife has been rejected by respondent no.2 - Collector, Raigarh.
2. Contention of the learned counsel for the petitioner is that the wife of the petitioner died of an accidental fire in the house on 7.6.2019. Thereafter, the petitioner had moved an appropriate application claiming compensation from the State authorities in respect of accidental death of his wife. The respondents registered a case and finally vide the impugned order dated 20.1.2020 the same has been rejected.
3. Learned counsel for the petitioner submits that the claim of the petitioner has been wrongly rejected, inasmuch as the death on account of a fire that took place at the residence also is one of the grounds available for grant of compensation.
4. Perusal of record would show that the petitioner has not enclosed the circular on the basis of which he has claimed for compensation. On the contrary, in paragraph 9.6 of the writ petition, the petitioner has reflected a portion of the said circular on the basis of which he is claiming the benefit.

5. From the plain reading of the aforesaid provision, it clearly reflects that the said compensation is applicable only in the event if the death/loss which occurs due to natural calamity or natural disaster and not in any other circumstances. The claim of the petitioner further gets weakened on the report of the Superintendent of Police, Raigarh, dated 12.12.2019, written to the Tehsildar, Kharsiya, wherein he has given a report that before the deceased had died, a dying declaration was recorded and she admitted that she had set herself ablaze and thus it was a case of suicidal death.

6. Given the said report of the Superintendent of Police, dated 12.12.2019, of the case being that of a suicidal death, the fact that it was not an accidental death also stands established. Under the circumstances, if the case of the petitioner has been rejected by respondent no.2 the same cannot be said to be erroneous, bad in law or contrary to the guidelines of the State Government.

7. The writ petition thus sans merit which deserves to be and is accordingly dismissed.

/sharad/

Sd/-
(P. Sam Koshy)
JUDGE