

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19369 of 2022

Kuma Palei

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

15.11.2022

Order No

04.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. S.K. Bhanjdeo, learned counsel for the Petitioner and Mr. M.K. Balabantaray, learned Standing Counsel appearing for the Opp. Parties.

3. The present writ Petition was filed challenging the order dtd.24.06.2022 passed by the Opp. Party No. 5 under Annexure-9, wherein the claim of the Petitioner to get compensation for the alleged death of the deceased on 09.01.2020 due to Elephant trampling in Haladia Wild Life Range has been rejected.

4. Learned counsel for the Petitioner submitted that seeking grant of compensation for the aforesaid death though the Petitioner approached O.P. No. 5 and subsequently this Court in W.P.(C) No. 4654 of 2022, but O.P. No. 5 without considering the claim in its proper prospective rejected the same vide the impugned order dtd.24.06.2022.

5. However, it is contended that in fact the deceased died due to elephant trampling on 09.01.2020 and the Petitioner is entitled to

get ex gratia compensation of Rs. 4,00,000/- (Rs. Four lakhs), which has been declared by Forest Department.

6. Mr. Bhanjdeo, learned counsel for the Petitioner also contended that the Govt. has increased the ex-gratia compensation for human death caused by wild animal in the State from 3,00,000/- (Rs. three lakhs) to 4,00,000/- (Rs. Four lakhs), but it has been illegally rejected without proper appreciation of the claim.

7. Mr. Balabantaray, learned Standing Counsel on the other hand submitted that after receipt of the claim an inquiry was caused by the Forest Department coming under Haladia Wild Life Range and in the said inquiry it was found that the death of the deceased Jatadhari Palei is not due to elephant trampling and accordingly on due consideration, his claim has been rejected by the Opp. Party No. 5 vide Annexure-9.

8. This Court after going through the grounds taken in the writ Petition passed an order on 22.09.2022 directing the State Counsel to file an affidavit by enclosing the report submitted by the Police in U.D. Case No.03 dtd.10.01.2020 registered before the I.I.C., Model P.S., Khurda.

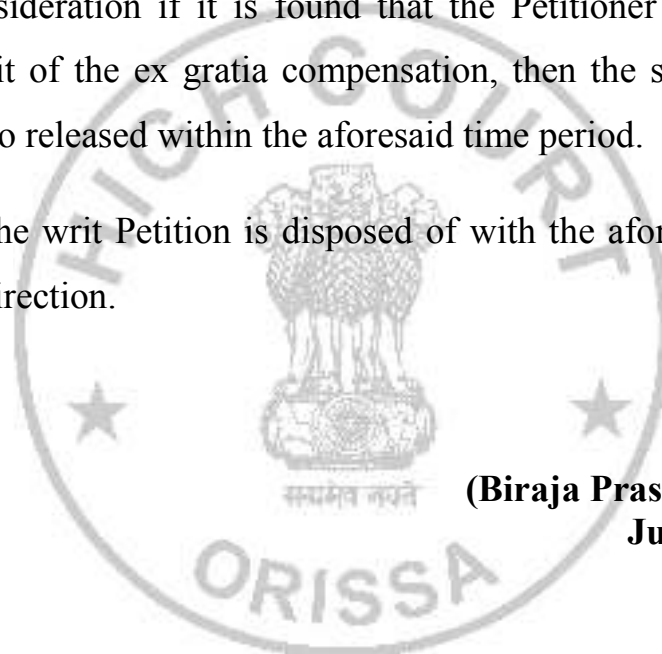
9. Pursuant to the said order an affidavit was filed by the Inspector0in-Charge, Khurda Model Police Station on 12.10.2022 by enclosing the final report submitted in the aforesaid U.D. Case No. on 17.04.2020. This Court after going through the said report finds that the deceased Jatadhari Palei had died due to attack by wild elephant and shifted to medical for treatment, but the Doctor declared him as dead.

10. In view of such report submitted by the concerned Police in the aforesaid U.D. case, this Court finds that the grounds on which the claim of the Petitioner has been rejected vide Annexure-5 is not sustainable in the eye of law. Accordingly, while quashing the same, this Court directs the Opp. Party No. 5 to take a fresh decision taking into account the report submitted by the Khurda Model Police Station in U.D. Case No. 3 dtd.10.01.2020.

11. Such a fresh decision shall be taken within a period of two (2) months from the date of receipt of this order. On such reconsideration if it is found that the Petitioner is eligible to get benefit of the ex gratia compensation, then the said compensation be also released within the aforesaid time period.

12. The writ Petition is disposed of with the aforesaid observation and direction.

Sneha



(Biraja Prasanna Satapathy)
Judge