

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8791 of 2023

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Afsar Khatun W/o Late Ahmad Hussain, R/o- Idgah Tola, Ward No.- 05,
Village- Bokra, haldia, P.S. Forbesganj, District- Araria, Bihar- 854318

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
2. The Director, Panchayati Raj Department of Bihar, Patna.
3. The District Magistrate, Araria.
4. Block Development Officer, Forbesganj, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vishal Saurabh, Advocate
For the Respondent/s : Mr.Kumar Alok (Sc 7)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL JUDGMENT

Date : 18-12-2023

Heard Mr. Vishal Saurabh, learned counsel appearing
on behalf of the petitioner and Mr.Kumar Alok , learned SC 7
for the State.

2. Petitioner has filed the writ petition for following
relief:-

“1. That this is an application for issuance of writ/writs in the nature of mandamus commanding / directing the official respondents to pay the compensation amount as per resolution no.8 Pa/Wi-5-131/2013/Pa RA/2514/Patna dated 05.05.2015 by which resolution was passed by the Panchayati Raj Department, Government of Bihar, Patna to pay a sum of Rupees Five lakhs to Mukhiya/Upmukhiya/Sarpanch/Upsarpanch and Gram Kachahri Sadasya who dies during his tenure of holding an office and as the husband of the petitioner who was holding the post of Gram Kachahari Sarpanch, Forbesganj,



District- Araria, since 03.06.2016 till June 2021, who died on 09.03.2021 when he went to resolve the dispute of land at the resident of Samim S/o late Hasib then all of a sudden altercation took place between both the parties and while resolving the issue, he was hit by cardiac attack and died while taking to his residence. And, as such, the petitioner is entitled to get compensation of Rupees Five lakhs as per resolution of the State Govt. of Panchayati Raj Department along with the interest @ 18% from the date of its due date till its realisation.”

3. Referring to resolution No.2514 dated 05.05.2015 of the Panchyati Raj Department, Government of Bihar, learned counsel for the petitioner submits that on account of any eventuality mentioned in the resolution if any sitting members of Gram Panchayat, Kachari die on account of criminal incidence, natural calamities, violence or have met with an accident his heirs are entitled for compensation. The petitioner's husband, who was a Sarpanch, died on 09.03.2021, while he was holding to resolve a dispute between two parties during the course of discharge of his duty, petitioner claims that death of her husband falls under the category of accidental death and as such petitioner is entitled for compensation of an amount of rupees five lacs.

4. *Per contra*, Mr. Prem Ranjan Raj, learned AC to SC 7, submits that the case of the petitioner is not covered by the



resolution dated 05.05.2015. The resolution enumerates wife or his heir is entitled for compensation only on account of criminal incidence, natural calamities, violence and due to an accident. Death of the husband of the petitioner was natural who had suffered an heart attack and in the death certificate, place of death has been mentioned at Ward No.12, where petitioner used to reside along with her deceased husband.

5. Having considered the rival submissions made on behalf of the parties, petitioner may file a detailed representation before the District Magistrate, Forbesganj in the District of Araria. The District Magistrate is directed to consider the representation of the petitioner and the fact that petitioner has made out a case of accidental death of her husband while he was performing his official duty while he had gone to resolve the land dispute at the resident of one Samim, son of late Hasib, where altercation took place between the parties which may have resulted into death of her husband who had died at the spot. The District Magistrate is required to give thoughtful consideration of the resolution of the State Government which is beneficial in nature and also strict dictionary definition of accident, as well as, the records available at the Gram Panchayat relating to the petitioner, so that he may arrive at a



definite finding whether death took place in course of resolving a dispute in the capacity of a Sarpanch then it will certainly amount to accidental death. If the District Magistrate finds that the death of the petitioner’s husband cannot be considered as an accidental death, he is required to give petitioner sufficient opportunity of hearing.

6. In case of affirmative finding, the District Magistrate must ensure to make payment of compensation to the petitioner forthwith not beyond a period of six weeks from the date of filing of representation.

7. With aforesaid observation and direction, the writ petition stands disposed of.

(Purnendu Singh, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2023
Transmission Date	NA

