



W.P(MD)No.9954 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9954 of 2023

R.Kandan

... Petitioner

Vs.

- 1.The Principal Chief Conservator of Forest,
Forest Head Quarters,
Guindy, Chennai-32.
- 2.The Secretary to Government,
Forest and Environment Management Department,
Secretariat,
Fort St. George,
Chennai-09.
- 3.The District Collector,
Theni District,
Theni.
- 4.The District Forest Officer,
Theni Division,
Housing Board Colony,
KRR Nagar,
Theni District - 626 331.
- 5.The Tahsildar,
Periyakulam Taluk,
Theni District.

... Respondents



W.P(MD)No.9954 of 2023

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to award suitable compensation for a sum of Rupees not less than Three Lakhs (Rs.3,00,000) or any amount to which petitioner is eligible for the death of petitioners daughter namely Parimala aged about 27 due to snake bite within the time frame by this Court.

For Petitioners : Mr.S.Balamurugan
Advocate.

For R1,R2 : Mr.K.S.Selvaganesan
and R4 Additional Government Pleader

For R3 and R5 : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a mandamus seeking a direction to the respondents 1 to 3 to grant suitable compensation of not less than Rs.3/- Lakhs or any other amount for the death of the daughter of the petitioner, Parimala aged 27 years who died owing to snake bite.

2. In the affidavit it had been stated that the petitioner is doing agriculture



W.P(MD)No.9954 of 2023

and his third daughter Parimala, aged 27 years, used to go to do garden work in the coconut grove belonging to one Vignesh of Vadugapatti Village. On 28.07.2021, a snake had bitten the daughter. The daughter unfortunately died. She was first taken to Government Hospital, Periyakulam and then to the Government Medical Hospital Theni but was unfortunately declared dead. The petitioner seeks compensation. On this issue, FIR in Crime No.488 of 2021 had also been registered by Thenkarai Police Station at Theni. The post mortem had also been conducted. The petitioner claims that some compensation must be granted to the petitioner herein.

3. The District Collector, Theni, may issue notice to the petitioner herein, examine the pitiable condition to which the petitioner had been put owing to the death of his daughter by way of snake bite and examine the compensation, which, if any, could be granted by the State. It should be kept in mind that the State is a welfare State and granting of a small amount of compensation would only bring about credit to the Government. They are after all, the protectors of every citizen and granting compensation could go a long way in bringing about confidence among the general public that the State Government would not let them down in times adversity.

4. Learned counsel for the petitioner also placed reliance on G.O.Ms.No.



W.P(MD)No.9954 of 2023

98, Environment and Forest (FR-5) Department dated 17.08.2011, wherein it had been stated compensation for death caused by attack by any wild animal, has been increased to Rs.3/- Lakhs from Rs.1,50,000/-. Learned counsel has categorized, a snake as wild animal.

5. I would leave that interpretation to the wisdom of the District Collector, who may examine all aspects and even otherwise in the absence of a Government order also, can still, with the funds available under the Relief Fund, move forward to grant a small compensation to the petitioner herein.

6. If the petitioner seeks a higher amount of compensation, the petitioner may always institute a suit seeking compensation on the basis of the life expectancy of the deceased, the job prospects of the deceased and such other factors. That is left to the discretion of the petitioner. The District Collector may however take a considered decision, to part with a small amount from the Relief Fund available, to the petitioner herein as compensation. The District Collector, may take a decision on this aspect within a period of sixteen (16) weeks from the date of receipt of a copy of this order.



W.P(MD)No.9954 of 2023

7. This writ petition is disposed of. No costs.

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22.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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W.P(MD)No.9954 of 2023

C.V.KARTHIKEYAN, J.

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W.P(MD)No.9954 of 2023

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