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07.05.2024
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 12591 of 2024

Tapati Dandapat
Vs.
State of West Bengal & Ors.

Mr. Kaushik Gupta,
Ms. Srimoyee Mukherjee
...for the petitioner

Mr. Suman Ghosh,
Mr. Gourav Das
...for the State

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel appearing for the petitioner submits that the petitioner, being the widow of a tiger attack victim in the Sunderban areas, applied for compensation but no such compensation has been paid to the petitioner.
3. By placing reliance on the post mortem report of the petitioner's deceased husband, annexed at page 26 of the writ petition, it is pointed out that as per the information furnished by police, the death was the outcome of tiger bite.
4. Learned counsel for the State, on oral instructions, submits that the petitioner's husband

apparently entered into the core area of the forest unlawfully.

5. A perusal of the post mortem report clearly shows that as per the information of the police themselves, who recovered the body of the petitioner's husband, the death was the result of "tiger bite".

6. Hence, the petitioner is fully entitled to the compensation payable to tiger attack victims under the concerned State Scheme.

7. Insofar as the issue of the petitioner's husband having entered into the core area of the forest unlawfully, such unlawful entry, if at all it was so, could at best have attracted other penalties as prescribed in law.

8. However, the petitioner or her deceased husband could not have suffered disproportionately for such unlawful entry. Irrespective of the lawfulness of the entry into the forest, it cannot be gainsaid that the petitioner comes from the marginalized sections of the society and her husband had actually died of a tiger attack.

9. Hence, the petitioner is fully entitled to compensation payable to the next-of-kin of tiger attack victims under the concerned State Scheme.

10. Accordingly, W.P.A. No. 12591 of 2024 is allowed on contest, thereby directing respondent

no. 2, that is, the Principal Chief Conservator of Forest (Head of Forest Force), Government of West Bengal to disburse due compensation to the petitioner as payable under the concerned State Scheme to the next-of-kin of tiger attack victims at the earliest, positively within four weeks from date, by acting on a server copy of this order.

11. There will be no order as to costs.

12. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)