

AD-16&17
Ct No.09
18.01.2024
TN

WPA No. 26123 of 2023

Saraswati Auliya
Vs.
The State of West Bengal and others

With

WPA No. 26127 of 2023

Sarojini Mondal
Vs.
The State of West Bengal and others

Mr. Abhishek Sikdar,
Mr. Santanu Chakraborty,
Mr. Atindra Chakraborty,
Ms. Sahili Dey

.... for the petitioners
in all the matters

Mr. Pantu Deb Roy, Ld. AGP,
Mr. Ansar Mandal, Ld. AGP,
Mr. Kushal Das,
Mr. Md. Idrish Ali

.... for the State
in WPA 26123 of 2023

Mr. Pantu Deb Roy, Ld. AGP,
Mr. Pinaki Bhattacharya,
Mrs. Mousumi Banerjee,
Ms. Rajyashree Mukherjee

.... for the State
in WPA 26127 of 2023

- 1.** The two writ petitions are taken up together for hearing because they arise from the self-same course of events.
- 2.** In WPA 26123 of 2023, the husband of the petitioner was a victim of a tiger attack while

fishing. The body of the deceased husband of the petitioner was unfortunately dragged away by the tiger into the entrails of the jungle for which it could not be traced out.

- 3.** Insofar as the husband of the petitioner in WPA 26127 of 2023 is concerned, he was also a victim of the same tiger attack. When the person tried to save the victim in WPA 26123 of 2023, he was mauled and seriously injured by the tiger and ultimately he succumbed to his injuries. The difference with the other victim is that his body could be recovered.
- 4.** A post mortem happened to the body of the victim in WPA 26127 of 2023 whereas the same could not take place in case of WPA 26123 of 2023 due to obvious reasons, since the body could not be traced out.
- 5.** In both the cases, death certificates have been duly produced along with the other certificates and police reports which corroborate each other to indicate beyond reasonable doubt that the death of both the victims occurred due to tiger attack in the Sunderbans area, which is known to be infested with tigers.
- 6.** The only defence of the respondent-authorities for refusing to grant compensation under the

prevalent scheme to the widows of the deceased in both the cases is that the victims were fishing in a prohibited area where entry was restricted.

- 7.** The concerned Government Order relating to compensation dated February 26, 2021 clearly provides, as rightly contended by learned counsel for the petitioners, that the compensation would be payable in terms of the rates given therein to the victims or the legal heirs of the victims of depredation caused by wild animals. In case of loss of life, the family of the deceased would get compensation at the rate of Rs.5,00,000/- which is subject only to “certification regarding cause of death from appropriate authority”. Nothing is mentioned in the said chart as to there being any difference between the cases where the victims had entered into a prohibited area or otherwise.
- 8.** In any event, if a person enters for fishing to serve his livelihood in a restricted area, there may be other consequences of lesser nature; however, the punishment would be grossly disproportionate with such illegal entry, if any, if the widows of the victims or the families of the victims are deprived of the compensation payable for loss of life of the person for such reason. The entry in a prohibited area has no consequences

whatsoever in relation to the compensation payable to the families of the victims for tiger attack.

- 9.** Hence, the petitioners in both the cases are entitled to full compensation under the Government Order dated February 26, 2021 for loss of lives of their respective husbands.
- 10.** Learned counsel for the State has highlighted that since the entry was in prohibited area, the rigours of the Government Order dated February 26, 2021 does not apply. However, such logic is defeated due to the gross infirmity in the defence insofar as the loss of life has to be attended with adequate compensation by virtue of the Government Order, which has no nexus whatsoever with any violation regarding entry into a prohibited area.
- 11.** Accordingly, WPA No. 26123 of 2023 and WPA No. 26127 of 2023 are allowed on contest, thereby directing the respondent no.3 in each of the matters to disburse the amount of compensation of Rs.5,00,000/- to each of the petitioners in the said matters due to the loss of lives of their respective husbands due to tiger attack. Such disbursal shall be made by the

respondent no.3 in both the cases within a fortnight from date.

12. There will be no order as to costs.

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

(Sabyasachi Bhattacharyya, J.)