

D/L 20
22.07.2025
Court No.14
PRADIP

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 5435 of 2025

Sanaka Sarkar
Vs.
The State of West Bengal & Ors.

Mr. Kousik Gupta, Sr. Adv.
Mr. Aniket Mitra
Ms. Atindriya Chakraborty
Ms. Aratrika Paul

...for the Petitioner.

Ms. Kalpita Paul

...for the State.

1. Affidavit of service filed in Court today is taken on record. Report filed by the Chief Conservator of Forests signed on 30th April, 2025 is also taken on record.
2. The issue in the writ petition relates to ex gratia grant to the victims or legal heirs of the victims of depredation caused by wild animals in terms of the order of the Forest Department published vide memo 1/123199/2021 dated 26th February, 2021.
3. The issue in question has been decided by the Court in the judgment dated April 9, 2025 in **WPA 21596 of 2024** in the matter of ***Binarani Mandal Vs. The State of West Bengal & Ors.***
4. The facts of this case are similar to the facts of the matter of Binarani Mandal (supra) with the only difference that in the instant case, the body of the victim could not be traced out as the same was carried away by the tiger.
5. The report of the police dated 22nd April, 2017 mentions that attempts were made to trace out the body of the

victim but to no result and, as such, the post mortem examination could not be done.

6. As the police have already mentioned that the husband of the petitioner was carried away by the tiger, accordingly, there is no scope for obtaining the body or conducting the post-mortem thereof.
7. As per the scheme, compensation can be paid subject to the certification regarding cause of death from the appropriate authority. In the facts and circumstances of the instant case, the statement of the police has to be taken into consideration and the authority ought to act relying on the same.
8. In view of the above, the petitioner in the instant case would be entitled to the same relief as granted by the Court in the matter of Binarani Mandal (supra).
9. Hence, the instant writ petition is disposed of by directing the Conservator of Forests and Field Director being the respondent no. 2 herein to pay compensation to the heirs of the deceased, Srinibash Sarkar in accordance with the order passed by the Deputy Secretary, Government of West Bengal, Department of Forests vide memo no. 1/123199/2021 dated 26th February, 2021 at the earliest but positively within a period of eight weeks from the date of communication of this order.
10. The writ petition stands disposed of.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all the requisite formalities.

(Amrita Sinha, J.)