

05-05-2025
Item No.50 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.21610 of 2024
Anita Kayal alias Anita Koyal
-vs-
The State of West Bengal & Ors.

Mr. Subhendu Banerjee
Ms. Atindriya Chakraborty
Ms. Aratrika Paul ...for the petitioner

Mr. K.J. Yusuf, AGP
Mr. Parikshit Goswami ...for the State

1. The issue in question has been decided by the court by passing a judgment on April 9, 2025 in the matter of Binarani Mandal v. The State of West Bengal & Ors. passed in WPA No.21596 of 2024.
2. 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.
3. The report of the police specifically mentions about the statement of the eyewitnesses of the body being taken away by the tiger.
4. The Chief Conservator of Forests, West Bengal has filed a report before this Court signed on April 17, 2025 mentioning that for the purpose of claiming compensation, a post-mortem report clarifying the death caused by tiger attack is required.
5. As there are statements from the eyewitnesses

specifically mentioning 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.

6. 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 statements of the eyewitnesses have to be taken into consideration and the authority ought to act relying on the same.
7. In view of the above, the petitioner in the instant writ petition would be entitled to the same relief as granted by the Court in the matter of Binarani Mandal (supra).
8. Hence, the instant writ petition is disposed of by directing the Conservator of Forests and Field Director being the second respondent herein to pay compensation to the heirs of the deceased, Anath Bandhu Kayal 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.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

