CGHC010221582022 2026:CGHC:45744

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SHYNA AJAY

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Date: 2026.10.29 18:28:29 +0530

WPC No. 3002 of 2022

Order Reserved on : 1.10.2026

Order Pronounced on : 29.10.2026

Bhagwat Prasad S/o Dauram Kenwat, Aged About 34 Years R/o Village Pikri, Tahsil Kasdol, District Balodabazar Bhatapara (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through its Secretary, Ministry Of Revenue and Disaster Management, Secretariat, Capital Complex, Mahanadi Bhawan, Nawa Raipur District Raipur (C.G.)

2 Collector, District Balodabazar Bhatapara (C.G.)

3 - The Tahsildar Kasdol, District Balodabazar Bhatapara (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Mr. Harshmander Rastogi, Advocate
For Respondent(s)	**:**	Mr. Shobhit Mishra, Dy. GA

SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

C A V Order

1. By means of the present Writ Petition, the petitioner assails the rejection of his claim for financial assistance/compensation under the Chhattisgarh State Revenue Book Circular (RBC) on account of the unnatural death of his father due to drowning. The aforesaid application for compensation was rejected on the ground that the water depth at the site of the incident was only 3 feet and there was no flow of water.

2. The petitioner has prayed for the following reliefs :

> *a. This Hon’ble Court may be pleased to call for the records from the respondent authorities concerned pertaining to the case of the petitioner for perusal of this Hon'ble Court, if this Hon’ble Court thinks fit in the facts and circumstances of the case*
> *b. This Hon'ble Court may be pleased to pass an order set aside the decision of respondent authorities rejecting claim of petitioner for grant ex-gratia amount to the petitioner on account of death of his father due to drowning in river and direct them to pay ex-gratia amount, as per policy of the State, to the petitioner within the time frame as may be fixed by this Hon'ble Court in the facts and circumstances of the case and in the interest of justice.*
> *c. Cost of the proceedings.*
> *d. Any other writs and directions that may be deemed fit and just in the facts & circumstances of case.*

3. Briefly stated, the facts giving rise to the present petition, are that

on 09.01.2020 at about 07:00 a.m., the petitioner's father namely Dauram Kenwat, who suffered from epilepsy, went to the riverbank to answer the call of nature, where he accidentally fell into the river and died due to drowning, leading to the registration of *Merg* Intimation No. 05/2020. Thereafter, the postmortem examination was conducted at Community Health Centre, Kasdol, wherein the examining doctor categorically opined the cause of death to be asphyxia due to drowning and the nature of death to be accidental. On the basis of the guidelines of the State Government providing ex-gratia compensation to families of drowning victims, the petitioner submitted an application on 20.02.2020 (Annexure P/1) before Respondent No. 3 (the Tahsildar, Kasdol), who initiated enquiry through the local Patwari. However, based on the report of the Patwari, the Additional Collector recommended rejection of the claim vide order dated 10.08.2020 on the ground that the water level was merely 3 feet without any flow and attributing the death to epilepsy rather than a natural disaster. The said recommendation was accepted by Respondent No. 2 (the Collector, District Balodabazar Bhatapara) on 11.08.2020 and resulted in the final rejection of the claim of the petitioner vide the impugned order dated 19.8.2020 passed by the Tehsildar, Kasdol {Respondent No.3}. Assailing the said rejection, the petitioner submits that once medical evidence establishes asphyxia due to drowning, the claim cannot be turned down on ground of shallow water depth (3 feet), as drowning is possible in shallow water if a person collapses flat in an unconscious state.

Hence, this Petition.

4. Mr. Harshmander Rastogi, learned counsel for the petitioner submits that the rejection of the claim for compensation by the respondent authorities is patently illegal, arbitrary and unsustainable in law. The State Government having framed provisions under the Revenue Book Circular for grant of ex-gratia compensation in cases of unnatural death due to drowning, the application was required to be considered objectively rather than rejected in a summary and arbitrary manner. He submits that postmortem examination of the deceased was duly conducted and in the autopsy report, the examining doctor categorically opined that the cause of death was asphyxia resulting from drowning. He further submits that once the medical evidence conclusively establishes death by drowning, the claim could not have been turned down on the hyper-technical and irrelevant ground that the water depth at the site was merely 3 feet.

5. Per contra, Mr. Shobhit Mishra, Dy. GA for the State submits that the impugned rejection of the claim of the petitioner vide the impugned order(s) is in accordance with law. After the unnatural death, the case was duly registered and the concerned Tehsildar directed the submission of a detailed report. In the course of the enquiry, the Patwari conducted a spot inspection, prepared the *Panchnama* and site map and recorded statements of the witnesses. Pertinently, during the enquiry, the petitioner himself categorically admitted that his deceased-father suffered from epilepsy and would frequently collapse upon experiencing

epileptic seizures or dizziness. On the date of the incident, the deceased suffered a similar seizure and fell into the river. He also submits that the enquiry report confirms that the water level at the site was merely 3 feet, making accidental drowning improbable. Furthermore, while the postmortem report reflects asphyxia, it is legally and medically settled that a finding of asphyxia alone is insufficient without a positive Diatom Test to conclusively establish death by drowning, which is not available in the present case. He submits that in view of the petitioner's own admission regarding his father's medical history of epilepsy and the shallow depth of the water, no case for grant of ex-gratia compensation under the Revenue Book Circular is made out.

6. Heard learned counsel for the parties and also perused the documents annexed with the petition with utmost circumspection.

7. Evidently, a perusal of the postmortem report shows that the father of the petitioner died of asphyxia. However, insofar as death by drowning is concerned, there is no definitive report on record to conclusively confirm that the deceased succumbed to drowning. In cases of suspected drowning, a specific forensic procedure known as the Diatom Test is required to verify antemortem water inhalation, however, no such report is available in the present matter. Furthermore, the petitioner himself admitted that his father suffered from epilepsy and was prone to sudden seizures and dizziness, which likely caused him to collapse into shallow water. Such an accidental fall resulting from a pre-existing

medical condition does not fulfill the requisite criteria for grant of compensation under the Revenue Book Circular .

8. In view of the aforesaid discussion, this Court is unable to hold that the impugned rejection order(s) suffers from any legal infirmity. Accordingly, the order dated 19.08.2020 passed by the concerned Tehsildar is in accordance with law and calls for no interference by this Court.

9. Accordingly, the Writ Petition is **dismissed.**

Sd/-

(Amitendra Kishore Prasad)
Judge

Shyna Ajay