CGHC010375252022 2026:CGHC:46387

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order Reserved on 24.09.2026

Order Passed on 03.11.2026

WPC No. 4927 of 2022

1 - Laxminath Chakole S/o Bhagat Ram Chakole Aged About 41 Years R/o Village Dharamnagar, Kalmana, Nagpur (Maharastra)

... Petitioner

versus

1 - State Of Chhattisgarh Through-The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur, District-Raipur (C.G.)

2 - The Collector Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.)

RAVVA UTTEJ KUMAR RAJU Digitally signed by RAVVA UTTEJ KUMAR RAJU Date: 2026.11.03 18:45:23 +0530

3 - Tahsildar Tahsil Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.)

... Respondents

(Cause title is downloaded from CIS Periphery.)

For Petitioner	:	Mr. Pramod Ramteke, Advocate.
For State	:	Mr. Vivek Verma, G.A.

Hon'ble Mr. Justice Amitendra Kishore Prasad

C.A.V. Order

1. The petitioner has filed the present writ petition challenging the order dated 20.06.2022 (Annexure P/1) passed by respondent No. 3, the Tahsildar, Tahsil Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.), whereby the petitioner's claim for compensation of Rs. 4,00,000/- (Rupees Four Lakhs only) on account of the death of his son due to snakebite at Nawagaon Kala, Tahsil Khairagarh, was rejected. The claim was rejected on the ground that the petitioner is a resident of Maharashtra and that the liability to grant compensation lies with the Collector, Nagpur (Maharashtra). The petitioner is seeking following reliefs:-

> "**10.1** This Hon'ble Court may kindly be pleased to quash the impugned order dated 20.06.2022 (Annexure P/1) and kindly be pleased to direct the concerned respondent to provide the compensation to the petitioner on the death of his son, who died due to snake bite.
>
> **10.2** Any appropriate writ, direction or order may also kindly be passed in favour of the petitioners, which this Hon'ble Court deems fit in the circumstances of the case."

2. Briefly stated, the facts of the case as adumbrated in the petition is that Briefly stated, the facts of the case are that the petitioner's son, namely Nikesh Chakole, died on 14.06.2021 due to a snakebite near Chandi Mandir, Sahu Hotel, Nawagaon Kala,

Tahsil Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.), as evident from the panchnama filed as Annexure P/2. Thereafter, the petitioner submitted a representation to the Collector, Rajnandgaon, seeking compensation, whereupon the matter was referred to respondent No. 3, the Tahsildar, for further proceedings. Accordingly, the petitioner submitted an application dated 14.10.2021 (Annexure P/3) before respondent No. 3 seeking compensation of Rs. 4,00,000/-. The petitioner also relied upon an affidavit furnished by the deceased's uncle, Jeevan Sahu, who owns the hotel near which the incident occurred, affirming that the deceased had been residing at Nawagaon Kala and carrying on the family business there for a considerable period. However, respondent No. 3 rejected the petitioner's claim on the ground that the petitioner was residing in Maharashtra and that the liability to grant compensation lay with the Collector, Nagpur, Maharashtra. Aggrieved by the rejection of his claim, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that, in terms of the policy dated 09.06.2015 issued by the Government of Chhattisgarh, compensation of Rs. 4,00,000/- is payable to the dependent family member of a person who dies due to a natural calamity. He further submits that the petitioner's son, namely Nikesh Chakole, died due to a snakebite within the territorial jurisdiction of the State of Chhattisgarh and that the relevant facts are substantiated by the panchnama and the affidavit furnished by

the deceased's uncle, Jeevan Sahu, who affirmed that the deceased had been residing at Nawagaon Kala and carrying on the family business there for a considerable period. Learned counsel contends that respondent No. 3 has failed to properly appreciate the facts and circumstances of the case and has rejected the petitioner's claim solely on the ground that he is a resident of Maharashtra and that the liability to grant compensation lies with the Collector, Nagpur, Maharashtra. He submits that the impugned order is unjustified, particularly when the incident occurred within the State of Chhattisgarh and the petitioner, being the father of the deceased, is facing severe financial hardship following the death of his son. He, therefore, prays that the impugned order be set aside and the respondents be directed to consider and grant compensation to the petitioner in accordance with the applicable policy.

4. *Ex adverso*, learned counsel for the State submits that the claims raised by the petitioner are devoid of merit and are founded on erroneous assumptions. It is contended that the Disaster Relief Fund is governed by specific guidelines, which prescribe permanent residency in the State of Chhattisgarh as an essential eligibility criterion for extending the benefits thereunder. Since the deceased, Nikesh Chakole, did not satisfy the said eligibility requirement, his claim was rightly rejected by respondent No. 3, the Tahsildar, Tahsil Khairagarh, District Khairagarh-Chhuikhadan-Gandai (C.G.), upon due consideration and in accordance with the

applicable guidelines. It is further submitted that the order dated 20.06.2022 has been passed lawfully and validly after taking into account the relevant facts and circumstances of the case, including the submissions made by the petitioner. The respondents have acted strictly in accordance with the prescribed provisions of the scheme, and the impugned order suffers from neither arbitrariness nor mala fides. He further submits that Clause 5(1) of Part VI of the Revenue Book Circular specifically provides for compensation of up to Rs. 4,00,000/- to the nearest family member of a person who dies due to a poisonous snakebite. It is further contended that, as per the provisions of the said Revenue Book Circular, where a person dies due to a natural disaster outside his native district, the admissible compensation is payable to the deceased's nearest family member by the district of his native residence. The petitioner has failed to establish any ground for interference by this Hon'ble Court under Article 226 of the Constitution of India. Hence, the petition filed by the petitioner being devoid of merit, deserves to be dismissed with costs.

5. I have heard learned counsel for the parties, considered the submissions advanced on their behalf, and minutely perused the documents appended to the writ petition.

6. Considering the facts and circumstances of the case, as well as the impugned order dated 20.06.2022, it is evident that the deceased, Nikesh Chakole, died on 14.06.2021 at Village Nawagaon Kala, Tehsil Khairagarh, District Rajnandgaon (C.G.),

due to asphyxia resulting from a bite by a poisonous snake on the posterior aspect of the middle third of his left forearm. The post-mortem report establishes that the cause of death was snakebite, a fact that is not in dispute. However, the petitioner's claim for compensation has been denied solely on the ground that the deceased was a resident of Village Dharamnagar Kalmana, District Nagpur, Maharashtra, in view of Note 3 of Part VI of the Revenue Book Circular, which deals with cases involving deceased persons who were residents of neighbouring States. The relevant provision is reproduced hereinbelow for ready reference:

> "**3**. राज्य के सीमावर्ती प्रदेशों में उपरोक्त आपदाओं के समय किसी भी व्यक्ति की मृत्यु होती है तो उस राज्य से घटना स्थल का प्रतिवेदन प्राप्त कर मृत व्यक्ति के मूल निवास जिले में मृतक परिवार को अनुदान सहायता प्रदान की जावे।"

7. It is evident from Note 3 of Part VI of the Revenue Book Circular that in case the death occurred in the neighbouring State, then also the State of Chhattisgarh will grant compensation under the Revenue Book Circular after obtaining report from the concerned State in respect of death and to grant *ex gratia* compensation to the family members of the deceased. This has been wrongly interpreted by the concerned Additional Collector while holding that since the deceased was resident of Village Dharamnagar, Kalmana, Nagpur (Maharashtra) and as such the compensation

would be granted by the concerned Collector of Distt- Nagpur (Maharashtra) and not by the Collector, Rajnandgaon (C.G.). In this respect Section 20 of the CPC would be relevant which is as follows:-

> "**20**. **Other suits to be instituted where defendants reside or cause of, action arises:-**
>
> Subject to the limitations aforesaid, every suit shall be instituted in a Court within the local limits of whose jurisdiction-
>
> (a) the defendant, or each of the defendants where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain; or
>
> (b) any of the defendants, where there are more than one, at the time of the commencement of the suit, actually and voluntarily resides, or carries on business, or personally works for gain, provided that in such case either the leave of the Court is given, or the defendants who do not reside, or carry on business, or personally work for gain, as aforesaid, acquiesce in such institution; or
>
> (c) the cause of action, wholly or in part, arises.

Likewise, Article 226(2) of the Constitution of India reads as under:-

> *"The power conferred by clause (1) to issue directions, orders or writs to any Government,*

authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the scat of such Government or authority or the residence of such person is not within those territories."

8. It is apparent from aforesaid cited Section 20 of the CPC, 1908 as well as Article 226(2) of the Constitution of India specifically mentions that the cause of action is required to be considered. From the perusal of the documents appended with this petition, it is lucid that the cause of action arose in the State of Chhattisgarh and if the cause of action arises in the State of Chhattisgarh then certainly the compensation should have been required to be granted by the State of Chhattisgarh under the Revenue Book Circular and, therefore, the material aspect to be considered in this case is the cause of action which arose in the State of Chhattisgarh. The Revenue Book Circular does not confine for the residents of Chhattisgarh State only, the benefit of compensation is also required to the persons including the deceased who suffered loss in the State of Chhattisgarh.

9. The Hon'ble Supreme Court in the matter of ***The State of Goa vs. Summit Online Trade Solutions (P) Ltd. & Ors***. reported in (**2023) 7 SCC 791** has held that:-

*"**15**. This is a case where clause (2) of Article 226 has been invoked by the High Court to clothe it with the jurisdiction to entertain and try the writ petitions. The Constitutional mandate of clause (2) is that the 'cause of action', referred to therein, must at least arise in part within the territories in relation to which the high court exercises jurisdiction when writ powers conferred by clause (1) are proposed to be exercised, notwithstanding that the seat of the Government or authority or the residence of the person is not within those territories.*

***16**. The expression 'cause of action' has not been defined in the Constitution. However, the classic definition of 'cause of action' given by Lord Brett in Cooke vs. Gillt it would be necessary for the prove, if traversed, in order to support his right to the judgment of the court", has been accepted by this Court in a couple of decisions. It is axiomatic that without a cause, there cannot be any action. However, in the context of a writ petition, what would constitute such 'cause of action' is the material facts which are imperative for the writ petitioner to plead and prove to obtain relief as claimed.*

***17**. Determination of the question as to whether the facts pleaded constitute a part of the cause of action,*

sufficient to attract clause (2) of Article 226 of the Constitution, would necessarily involve an exercise by the high court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the high court to decide the dispute and that, at least, a part of the cause of action to move the high court arose within its jurisdiction. Such pleaded facts must have a nexus with the subject matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the court. These are the guiding tests.

***18**. Here, tax has been levied by the Government of Goa in respect of a business that the petitioning company is carrying on within the territory of Goa. Such tax is payable by the petitioning company not in respect of carrying on of any business in the territory of Sikkim. Hence, merely because the petitioning company has its office in Gangtok, Sikkim, the same by itself does not form an integral part of the cause of*

action authorizing the petitioning company to move the High Court. We hold so in view of the decision of this Court in National Textile Corporation Ltd. vs. Haribox Swalram². The immediate civilor evil consequence, if at all, arising from the impugned notification is that the petitioning company has to pay tax @ 14% to the Government of Goa. The liability arises for the specific nature of business carried on by the petitioning company within the territory of Goa. The pleadings do not reflect that any adverse consequence of the impugned notification has been felt within the jurisdiction of the High Court. At this stage, we are not concerned with the differential duty as envisaged in Schedule II [@ 6%] vis-à-vis Schedule IV [@ 14%] of the impugned notification. That is a matter having a bearing on the merits of the litigation.

***19**. The long and short of the matter is that the petitioning company has to bear the liability of paying tax @ 14% levied by the Government of Goa for selling lottery tickets in the State of Goa under Schedule IV of the impugned notification. It does not bear out from the petition memo how the impugned notification levying tax for carrying on business in the State of Goa subjects the petitioning company to a*

legal wrong within the territory of Sikkim for the writ petition to be entertained by the High Court.

***21**. Even otherwise, the High Court was not justified in dismissing the interim applications. Assuming that a slender part of the cause of action did arise within the State of Sikkim, the concept of forum conveniens ought to have been considered by the High Court. As held by this Court in Kusum Ingots Vs. Union of India and Ambica Industries Vs. CCE, even if a small part of the cause of action arises within the territorial jurisdiction of a high court, the same by itself could not have been a determinative factor compelling the High Court to keep the writ petitions alive against the appellant to decide the matter qua the impugned notification, on merit."*

10. In the present case, the records indicate that the deceased, Nikesh Chakole, died on 14.06.2021 at Village Nawagaon Kala, Tehsil Khairagarh, District Rajnandgaon, in the State of Chhattisgarh, as a result of a bite by a poisonous snake. The occurrence of the incident within the State of Chhattisgarh is a material fact directly connected with the petitioner's claim for compensation under the applicable Revenue Book Circular. The deceased's residence in the State of Maharashtra does not, by itself, determine the question of territorial jurisdiction. However, the question of entitlement to compensation must be determined

independently in accordance with the applicable provisions of the Revenue Book Circular.

11. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 20.06.2022 cannot be sustained in law, insofar as the petitioner's claim for financial assistance has been rejected solely on the ground that the deceased was a resident of the State of Maharashtra. The mere fact that the deceased belonged to a State other than the State of Chhattisgarh cannot, by itself, constitute a sufficient ground for rejecting the claim without examining the relevant provisions of the Revenue Book Circular governing the grant of financial assistance in cases of death caused by a natural calamity. The material consideration in the present case is whether the incident occurred within the territorial jurisdiction of the State of Chhattisgarh and whether the claim satisfies the conditions prescribed under the applicable provisions of the Revenue Book Circular.

12. It is also pertinent to observe that the entitlement to financial assistance in cases of death resulting from a natural calamity is required to be determined in accordance with the applicable disaster relief policy and the conditions prescribed thereunder. The fact that the deceased was a resident of another State does not, by itself, conclusively determine the entitlement to such assistance. Where a natural calamity occurs within the State of Chhattisgarh, the competent authority is required to examine

whether the applicable provisions of the Revenue Book Circular extend financial assistance in the facts and circumstances of the case, irrespective of the deceased's State of residence. The relevant policy provisions, the circumstances in which the death occurred, and the prescribed eligibility conditions must be duly considered before arriving at a decision on the claim. Accordingly, the petitioner's claim could not have been rejected solely on the basis of the deceased's residence in the State of Maharashtra without undertaking such an examination.

13. Accordingly, the writ petition is **allowed** and the impugned order dated 20.06.2022 is hereby quashed. The Collector Rajnandgaon is, therefore directed to pay financial assistance of Rs. 4,00,000/- to the family members of the deceased after due verification in accordance with the applicable provisions of the Revenue Book Circular. The Collector shall undertake only such verification as may be necessary to establish the identity of the eligible recipient(s) and complete the requisite formalities for disbursement. The question of entitlement shall not be reopened, nor shall the claim be rejected on the ground that the deceased was a resident of the State of Maharashtra.

14. The aforesaid amount shall be disbursed within a period of 60 days from the date of receipt of a copy of this order.

Sd/-
(Amitendra Kishore Prasad)
Judge

U.K. Raju