CGHC010437722025 2026:CGHC:45301

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 5391 of 2025

Smt. Suganti Devi W/o Shri Manoj Mahto Aged About 64 Years, R/o Indra Nagar Ward No. 16, Near Shitla Mandir, Supela Bhilai, Tahsil And District Durg (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Department Of Disaster And Management, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur (C.G.)

2 - Collector Durg District Durg (C.G.)

3 - Sub Divisional Magistrate Durg District Durg (C.G.)

4 - Additional Tahsildar Tahsil Bhilai Nagar, District Durg (C.G.)

... Respondent(s)

(Cause Title downloaded from CIS Periphery)

For Petitioner(s)	**:**	Mr. Ravipal Maheshwari, Advocate
For Respondent(s)	**:**	Dr. Arham Siddiqui, Panel Lawyer

SHYNA AJAY
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SB: Hon’ble Mr. Justice Amitendra Kishore Prasad

Order on Board

27/10/2026

1. By way of this writ petition, the petitioner is challenging the legality, validity and propriety of the impugned order dated 08.05.2025 passed by Respondent No. 2- Collector, Durg District Durg (CG), whereby the petitioner's claim for compensation on account of the death of her son - late Prakash Kumar, who died due to drowning, has been rejected on the ground that as per Circular 6-4 of the Rajaswa Pustak Paripatra (RBC), there is no provision for grant of compensation for drowning deaths in respect of residents/persons belonging to other States. The petitioner is seeking following reliefs:-

> *i) That, the Hon'ble Court may kindly be pleased to set-aside the impugned order dated 08.05.2025 (Annexure P-1) passed by the respondent no. 2 in the interest of justice.*
>
> *(ii) That, the Hon'ble Court may kindly be pleased to direct the respondent authorities to consider the claim of the petitioner for granting compensation amount within stipulated time as per policy of the State Government with 18% interest from the date of incident to till today, in the interest of justice.*
>
> *(iii) Any other relief, which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be granted in favour of the petitioners.*

2. Briefly stated, the facts of the case, as adumbrated in the petition, are that deceased late Prakash Kumar was residing at Indra Nagar Ward No. 16, near Shitla Mandir, Supela, Bhilai, Tahsil and District Durg (C.G.) along with his maternal grandfather (नाना) and was pursuing his studies in a school at District Durg. On 02.10.2023, while attending Ganesh Visarjan at Shitla Pond along with his friends, the deceased unfortunately drowned while his companions managed to swim out safely, following which Marg intimation was registered and proceedings were completed by Police Station Supela. The petitioner sought financial relief/compensation for the sudden accidental death of her son pursuant to the applicable State Government policy circulars, which was rejected. Hence, this Petition.

3. Learned counsel for the petitioner submits that the unfortunate incident took place on 02.10.2023 within the territorial limits of Village Supela, District Durg (Chhattisgarh). He submits that in accordance with the prevailing circulars of the State Government, the petitioner is entitled to receive compensation for the death of her son. However, Respondent No. 2 has erroneously and arbitrarily rejected her claim on the ground of jurisdiction. He further submits that the respondent authority inappropriately sought a residence verification report from the State of Bihar, despite the undisputed fact that the incident occurred within the

State of Chhattisgarh where the deceased was residing and studying, thereby misinterpreting the eligibility criteria.

4. *Per contra*, 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- Prakash Kumar, did not satisfy the said eligibility requirement, the claim was rightly rejected by respondent No. 2- the Collector, Durg (C.G.), upon due consideration and in accordance with the applicable guidelines. It is further submitted that the order dated 8.5.2025 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 of Part VI of the Revenue Book Circular specifically provides for compensation up to Rs. 4,00,000/- to the nearest family member of a person who dies due to drowning. 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 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. Evidently, deceased – Prakash Kumar was born in the State of Chhattisgarh, which is supported by his Birth Certificate, and further continued his studies in the State of Chhattisgarh and received his Primary, Middle and High School Education in the State of Chhattisgarh. The Chhattisgarh Board of Secondary Education, Raipur has issued a marksheet of Class-X pertaining to the State of Chhattisgarh in the year 2021. These are important aspects which require consideration for deciding this case. As the deceased was a resident of the State of Chhattisgarh, the rejection order stating that he originally belongs to the State of Bihar would not come in the way for receiving the compensation due to his education certificates, according to which, the deceased has completed his education from primary up to Class X in the State of Chhattisgarh.

7. Furthermore, the impugned order dated 08.05.2025 reveals that deceased- Prakash Kumar, died on 02.10.2023 at Shitla Pond, Supela, Tehsil and District Durg (C.G.), due to drowning. The Merg intimation and the FSL report clearly establish that the cause of death was drowning. However, the petitioner's claim for

compensation has been denied solely on the ground that the deceased was a resident of State of Bihar, in view of Clause 7 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:

> "7. 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।"

8. Manifestly, Clause 7 of Part VI of the Revenue Book Circular shows that in case the death of a person who is a bonafide resident of Chhattisgarh State occurred in any neighbouring State, the State of Chhattisgarh will grant *ex gratia* compensation under the Revenue Book Circular after obtaining a report from the concerned State, to the family members of the deceased. This has been wrongly interpreted by Respondent No. 2 (Collector, Durg) while holding that since the deceased was considered a resident of Bihar, no compensation would be admissible under the State policy. Moreover, the same cannot be used as an excuse to deny compensation when the fatal accident occurs within the State of Chhattisgarh. 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."

9. 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.

10. 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."

11. In the present case, the records indicate that deceased- late Prakash Kumar, died on 02.10.2023 at Supela, District Durg, within the State of Chhattisgarh, as a result of drowning. 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 original residence in the State of Bihar 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.

12. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 8.5.2025 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 Bihar. 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.

13. 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 Bihar without undertaking such an examination.

14. Accordingly, the writ petition is **allowed** and the impugned order dated 8.5.2025 is hereby quashed. The Collector, Durg is, therefore directed to pay financial assistance of Rs. 4,00,000/- to the family member(s) 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 Bihar.

15. 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

Shyna Ajay