

D/L. 11.
October 4, 2023.
MNS.

WPA No. 18598 of 2023

Shantibala Naskar
Vs.
State of West Bengal and others

Mr. Kaushik Gupta,
Ms. Srimoyee Mukherjee

... for the petitioner.

Mr. Pantu Deb Roy,
Ms. Munmun Tewari,
Ms. Jhuma Chakraborty

...for the State.

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel for the petitioner argues that the petitioner is the widow of a deceased person, who is resident of the Sundarbans area, which is infested by tigers and other wild animals. It is contended that upon the demise of the petitioner's husband by a tiger attack, the post mortem report obtained also indicates that the death was due to effects of injury caused by a big animal like tiger etc. It is submitted that as per the order of the Government of West Bengal, Department of Forests, the compensation payable to the

family of a deceased in such cases is Rs.5,00,000/-, subject to certification regarding cause of death from appropriate authority.

3. However, when the petitioner applied for such compensation, the authorities refused the same vide communication dated November 9, 2022 annexed at page 24 of the writ petition on the ground that upon an inquiry it was found that no such tiger attack was recorded in the Range Offices of Sundarban Tiger Reserve till date.
4. Learned counsel for the respondent authorities submits that none of the Range Offices and/or forest camps recorded any such incident of tiger attack or death by a tiger attack. As such, since there is no such record before the relevant authorities for the relevant period, there is no question of grant of any compensation to the petitioner.
5. Learned counsel for the respondent authorities further points out that there are core areas and buffer areas of the forests. If the petitioner's husband had entered into the core area without permission of the forest authorities, it is not the liability of the

respondent authorities to grant compensation to the petitioner for such illegal act of the deceased.

6. A perusal of the order dated February 26, 2021 issued by the Government of West Bengal, Department of Forests, indicates that the revised payment of compensation as reflected therein pertains to the loss of life and property due to depredation by wild animals.
7. As per the said order, *ex-gratia* grant was sanctioned to be given to the victims or the legal heirs of the victims of depredation caused by wild animals as per the scales as given therein. In case of family of the deceased for loss of life, the rate of compensation is enumerated at Rs.5,00,000/-.
8. That apart, the communication of the Chief Conservator of Forests, Headquarter, West Bengal, to the All Chief Conservator of Forests, West Bengal dated March 8, 2021 also corroborates the revision in compensation for the loss of life and property due to depredation by wild animals. None of the said orders or communications distinguishes between such demise in the core areas or the buffer areas of the forest.

9. Even if, for argument's sake, the petitioner's husband is construed to have transgressed the law for earning his livelihood and stepped into the core area (which, however, is not established by any document whatsoever), it cannot be the law that the family of the poor victim in such cases will be deprived of compensation merely for transgression of law as perceived by the Forest authorities.
10. The prayer of the respondent authorities for seeking a further report is neither here nor there, since a further report by the same authorities would not improve the situation. Even if the other report which will be filed now says that there was a recording of death by tiger attack during the relevant period, it would it could not be ascertained as to which version is correct.
11. Even without going into such issue, the only rider in the order dated February 26, 2021 regarding grant of compensation is that the compensation has to be subject to certification regarding cause of death from appropriate authority.
12. In the present case, the petitioner's husband was admitted before his demise to Jaynagar

Rural Hospital and a postmortem report was issued by the Superintendent of the Alipore Police Case Hospital. Both the said authorities are government institutions and, as such, there is no occasion for the respondents to deny the veracity of the said documents.

13. In any event, since a post mortem report has been filed by the petitioner regarding the cause of death of her husband being a wild animal attack in the Sundarban area, the respondent authorities are duty bound to pay compensation for such demise to the petitioner, who is the wife of the said deceased.

14. Accordingly, WPA No. 18598 of 2023 is allowed, thereby directing the respondent no. 2, that is, the Principal Chief Conservator of Forest (Head of Forest Force), Government of West Bengal, to disburse the compensation of Rs.5,00,000/- to the petitioner within October 13, 2023 for the sad demise of her husband by tiger attack in the Sundarban area.

15. It is made clear that such compensation shall be received by the petitioner on behalf of herself and her family/children, being all the

heirs and legal representatives of the said deceased, namely, late Lakhai Naskar.

16. The parties shall act on the server copy of this order, without insisting upon prior production of certified copy thereof.

17. There will be no order as to costs.

18. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)