



2026:CGHC:9567



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 802 of 2026

1 - Revaram Yadav S/o Kanhaiya Yadav Aged About 53 Years R/o Village Solha (Sarkhor), Tahsil Lawan, District- Balodabazar- Bhatapara (C.G.)

... Petitioner

versus

1 - State Of Chhattisgarh Through Its Secretary, Department Of Revenue And Disaster Management, Mahanadi Bhawan, Atal Nagar Nava Raipur, District- Raipur (C.G.)

2 - The Collector District- Balodabazar- Bhatapara (C.G.)

3 - Sub-Divisional Officer (Revenue) Balodabazar, District- Balodabazar- Bhatapara (C.G.)

4 - Tahsildar Tahsil Lawan, District- Balodabazar- Bhatapara (C.G.)

... Respondents

(Cause title, as taken from CIS)

For Petitioner : Mr. Atul Kumar Kesharwani, Advocate

For State/Respondents : Mr. Shobhit Mishra, Dy. Govt. Adv.

(Hon'ble Shri Justice Naresh Kumar Chandravanshi)

Order on Board

24/02/2026

1. With the consent of the parties, the matter is heard finally.
2. The petitioner has preferred this writ petition under Article 226 of the Constitution of India seeking following reliefs :-



“10.1 The Hon’ble Court may kindly be pleased to quash and set aside the impugned memo dated 15.09.2025 (Annexure P-1) passed by respondent No.03, SDO (Revenue), Balodabazar, in the interest of justice.

10.2 This, Hon’ble Court may kindly be pleased to direct the respondent authorities to provide financial assistance to the petitioner on account of death of his wife as per C.g. Revenue Book Circular 6-4 of order no.F 1-180/revenue/ relief/ 2022, dated 01.12.2022.

10.3 This Hon’ble Court may kindly be pleased to grant any other writ/writs, order/orders, relief/reliefs in favour of the petitioner, which the Hon’ble Court deemed fit and just in the facts and circumstances of the case, including awarding of the costs to the petitions.”

3. Learned counsel for the petitioner submits that Sunita Bai, wife of the petitioner, while fetching water from a Well, as she accidentally slipped, fell into the well, sustained head injury, and subsequently succumbed to the injuries and drowning on 02.03.2018 at Village Solha (Sarkhor), Police Chowki Lawan, Thana Kasdol, District Balodabazar-Bhatapara. The petitioner submitted an application (Annexure -P/3) before the Naib Tahsildar, Tahsil Lawan, seeking grant of *ex gratia* amount. The matter was referred to the the Sub-Divisional Officer (Revenue), Balodabazar, who, vide order dated 18.05.2020 passed in Revenue Case No.23A/74/2019-20, rejected the petitioner’s application on the ground that the cause of death of petitioner’s wife was head injury; therefore, the petitioner was not entitled to get *ex gratia* amount as provided under Clause 6-4 of the Revenue Book Circular. Aggrieved thereby, an



appeal was preferred by petitioner bearing Appeal Case No.202008210100017/06 A/74 (Year 2019-20) (Annexure -P/5) before the Collector, Balodabazar-Bhatapara. The said appeal was also rejected vide order dated 23.08.2021. The Collector observed that the order passed by the SDO (Revenue) is not appealable; however, he simultaneously remitted the matter with a direction to reconsider the issue and submit a report after due inquiry. Subsequently, the petitioner filed Writ Petition (C) No.3516/2022, which was disposed of by a co-ordinate Bench vide order dated 16.07.2025. Paragraphs 6 & 7 of the said order are reproduced herein-below :

“6. Perusal of final report (Annexure P-5) would reveal that concerned Superintendent of Police has forwarded the final report based on the facts and post-mortem report of deceased Sunita Bai mentioning that on 03.03.2018 due to slip of leg, deceased fell into the Well and sustained grievous injuries in her head and, thereafter, died on the same day.

7. Considering facts of the case, submissions of counsel for the parties, writ petition is disposed of directing the concerned respondent-authority to consider and decide the pending claim application of the petitioner expeditiously in accordance relevant law/rules and in the light of the provision of revenue book circular 6-4 of order number F-1-56/ revenue / relief / dated 09.06.2015 issued by the Chhattisgarh Government Revenue and Disaster Management Department, Raipur.”

3.1 Learned counsel for the petitioner further submits that pursuant to the order dated 16.07.2025 passed by the co-ordinate Bench, the SDO (Revenue), without reconsidering the issue afresh and without passing a reasoned and speaking order, issued a



communication (Annexure -P/1) to the petitioner reiterating the earlier ground that since the cause of death of petitioner's wife was head injury, the petitioner was not entitled to get *ex gratia* amount. He next submits that although the post-mortem report mentions the cause of death of deceased as "complication of intracranial hemorrhage due to head injury as a result of fall in Well", but the SDO (Revenue) himself stated in the communication (Annexure -P/1) that witnesses has stated that the deceased died due to drowning after falling into the well. Referring to Clause 6-4 of the Revenue Book Circular and the cause of death of petitioner's wife, learned counsel submits that the petitioner is entitled to get *ex gratia* amount, as deceased died due to a natural calamity. There is a specific provision in the Revenue Book Circular that in cases of death resulting from natural calamity / natural disaster, including death caused by falling into a well and drowning, legal heirs are entitled to receive *ex gratia* amount. However, without considering the aforesaid specific provision, the SDO (Revenue), Balodabazar rejected the petitioner's claim, which is contrary to the provisions of the Revenue Book Circular. It is further submitted that being the superior authority, the Collector / District Magistrate is the head of the District Disaster Management Authority and is fully entitled to hear an appeal against the order passed by the SDO. Clause 10 of the Revenue Book Circular also provides that an order pertaining to financial assistance/sanctioning of *ex gratia* amount is appealable before the higher Authority/Court. Therefore, the order passed by the Collector holding that the order dated 18.05.2020 passed by the SDO (Revenue) is not appealable, is contrary to the provisions of the Revision Book Circular. Hence, he prays that the orders passed by the SDO



(Revenue) and the Collector be set aside, and the SDO (Revenue) be directed to reconsider the case of petitioner and pass a fresh order granting the *ex gratia* amount to the petitioner.

4. *Per contra*, learned State counsel supported the impugned order as well as the communication (Annexure -P/1).
5. Perusal of the final report (Annexure -P/2) prepared by the Superintendent of Police, Balodabazar-Bhatapara, shows that while fetching water, the deceased slipped and fell into the Well and sustained head injury as a result of the fall. The post-mortem report opines that the cause of death of deceased was "complication of intracranial hemorrhage due to head injury as a result of fall in the well." As per the post-mortem report, the deceased sustained a fracture on the right parietal region and lacerated wounds on the right frontal region, left side of the chin, and left lower leg. None of the injuries can be termed so fatal that the deceased would have died immediately upon sustaining them. While the injuries may have accelerated the cause of death of deceased, it cannot be ruled out that she died due to falling into the well. Some witnesses have also stated this fact. There is a specific provision in Clause 6-4 of the Revenue Book Circular (page No.54) that *ex gratia* amount is payable in cases of natural calamity, including death due to falling into a well. Therefore, without considering further merits of case, at this stage, this writ petition is disposed of. The order dated 18.05.2020 passed by the Sub-Divisional Officer (Revenue), Balodabazar in Revenue Case No.23A/74/2019-20 and the order dated 23.08.2021 passed by the Collector, Balodabazar in Appeal Case No.202008210100017/06 A/74 (Year 2019-20) are hereby



set aside. However, the Sub-Divisional Officer (Revenue), Balodabazar is directed to reconsider the application (Annexure -P/3) filed by petitioner for grant of *ex gratia* amount, keeping in mind that the deceased ultimately died as a result of falling into the well. It is further directed that the concerned SDO (Revenue) shall pass a fresh and speaking order without being influenced by any observations made by this Court hereinabove.

6. Since the matter has been pending since the year 2018, the concerned SDO (Revenue) is directed to pass order afresh within a period of 45 days from the date of receipt/submission of a copy of this order.
7. Accordingly, this writ petition stands disposed of.
8. Pending interlocutory application(s), if any, also stands disposed of. No order as to cost(s).

Sd/-

(Naresh Kumar Chandravanshi)

JUDGE