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HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 1376 of 2020

Smt. Kailash Bai W/o Late Ramji Lal Sahu Aged About 52 Years R/o Village Gidhali, Tahsil And Thana Mohala, Distt. Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--- **Petitioner**

versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Department, Mantralaya, Atal Nagar, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Upper Collector District- Rajnandgaon, CG., District : Rajnandgaon, Chhattisgarh

3 - Sub Divisional Officer (Revenue) Mohala District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

4 - Naib Tahsildar Mohala, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--- **Respondents**

AND

WPC No. 2054 of 2021

Maktula Bai W/o Late Shree Bajundas Koliyare Aged About 50 Years R/o Village Paladur Tahsil Mohla, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Department , Mantralay Atal Nagar , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2 - The Collector District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

3 - The Sub Divisional Officer (Revenue) Mohla District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

4 - Tahsildar Tahsil Mohla, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--- **Respondents**

{Cause title, as taken from CIS}

For Petitioners	**:**	Mr. Parag Kotecha, Advocate.
For Respondents	**:**	Mr. Sangharsh Pandey, Govt. Advocate.

{Hon'ble Mr. Justice Naresh Kumar Chandravanshi}

Order on Board

22/04/2026

1. Since the issue involved in both petitions is identical, they have been heard together and are being decided by this common order.

2. These Writ Petitions under Article 226 of the Constitution of India have been preferred by the petitioners challenging the order dated 4.7.2019 / 02.02.2021 passed by Collector / Upper Collector, Rajnandgaon (C.G.), respectively whereby applications filed by the petitioners, who are unfortunate widow of deceased namely; Ramji Lal Sahu & Banjnudas Koliyare, respectively, seeking *ex gratia* amount of Rs. 4,00,000/- on account of their death, have been rejected.

3. The facts of the case, as projected by the petitioners, are that Ramji Lal Sahu and Banjudas Koliyare had gone to an agricultural field of the village to collect lacquer and had climbed a tree to do so. at that very moment, a sudden thunderstorm struck causing them to fall from the tree and sustain grevious injuries. They were immediately rushed to the hospital, where Ramji Lal Sahu died on the next day, whereas Banjudas Koliyare died on 27th May, 2020. Merg report was lodged by the police. The petitioners filed application for grant of ex gratia amount before Revenue Authorities, to which enquiry was conducted. In both the cases, concerned Naib Tahsildar, Mohla (C.G.) recommended to grant ex gratia amount to the petitioners, but subsequently, said Naib Tahildar submitted its negative opinion on the ground that both the deceased persons fell from the tree, therefore, their cause of death does not fall under part 6, Clause (4), paragraph 5 (2) Note (6) of the Revenue Book Circular dated 09.06.2015. On account of aforesaid negative report / opinion submitted by Naib Tahsildar, Mohla Collector / Upper Collector, Rajnandgaon (C.G.) vide order dated order 4.7.2019 / 02.02.2021, respectively has rejected the application filed by the petitioners, therefore, they have filed instant writ petitions questioning the same.

4. Learned counsel appearing for the petitioners in both the writ petitions would submit that at earlier point of time, Naib Tahsildar has recommended for grant of ex gratia amount to the petitioners based on due consideration of enquiry, subsequently, Naib Tahisildar declined from his earlier opinion. He further submits that deceased namely, Ramji Lal Sahu and Banjudas Koliyare fell from the tree due to a sudden thunderstorm, due to which they suffered severe injuries and died, therefore, it is clear cut case of death on account of natural calamity, therefore, rejection of applications filed by petitioners seeking *ex gratia* amount is illegal and perverse, hence, the same are liable to be set aside and the Collector, Rajnandgaon be directed to grant *ex – gratia* amount of Rs. 4,00,000/- to the petitioners in both the petitions.

5. In reply, learned counsel for the State while referring to its reply would submit that applications filed by the respective petitioners have been rejected after considering the statements of the villagers, as it was found that both the deceased died due to falling down from the tree and as per Halka Patwari report, there was no thunderstorm reported on fateful day, therefore, the petitioners are not entitled to get any *ex gratia* amount under the Revenue Book Circular.

6. Heard counsel for the parties and perused the material placed on record.

7. Undisputedly, nature of death of petitioners' husbands namely Ramji Lal Sahu and Banjudas Koliyare, respectively, was unnatural, as they died due to falling from the tree when they had climbed on the tree for collection of lacquer.

8. It was also conceded by the State counsel that earlier Naib Tahsildar, Mohla has submitted "positive" report in favour of the petitioners, but later on, he declined from his earlier report.

9. In order to appreciate the controversy involved in the writ petition, it would be appropriate to quote the provisions contained under part 6, Clause (4), paragraph 5 (2) Note (6) of the Revenue Book Circular dated 09.06.2015, which is reproduced below :-

(पांच) जन हानि के लिए निकटतम वारिस को आर्थिक सहायता अनुदान :-

(1) प्राकृतिक आपदा, नैसर्गिक विपत्तियों के कारण एवं गड्ढे में गिरने से मृत्यु होने पर सर्प, बिच्छू मुहेरा या मधुमक्खी के काटने, नदी तालाब, बांध कुंआ, नहर, नाला में संघन से अथवा नाव दुर्घटना एवं रसोई गैस का सिलेण्डर फटने, खदान धसकने, लू (आपातकालीन) से मृत्यु हो जाने पर मृत व्यक्ति के परिवार के निकटतम व्यक्ति / वारिस को रूपये 4,00,000 /- (रूपये चार लाख) की सहायता दी जाएगी। इसके लिए

मृत्यु की सूचना प्राप्त होने पर अनुविभागीय अधिकारी / तहसीलदार / नायब तहसीलदार द्वारा आपातकालीन पर शीघ्र पहुंचकर मृत्यु होने एवं उसके कारणों की जांच की जाएगी और यही सूचना ही डॉक्टर से मृतक का परीक्षण भी कराया जाएगा। मृत्यु होना पाए जाने पर मृतक के परिवार के सदस्य / - निकटतम वारिस को उक्त धनराशि की अनुदान सहायता कलेक्टर द्वारा स्वीकृत की जाएगी। आग से जलने के कारण मृत्यु होने पर भी इसी के अनुसार सहायता दिया जाएगा। 'मृत व्यक्ति' में बच्चा भी शामिल समझा जाएगा। परिवार में एक से अधिक मृत्यु होने पर वारिस को सहायता अनुदान प्रत्येक मृतक के मान से देय दिया। बिजली गिरना नैसर्गिक विपत्ति है।

(2) क्रय या अधिकृत अन्य पब्लिक ट्रांसपोर्ट के नदी में गिरने या पहाड़ी आदि से खड्डे में गिरने के कारण इन वाहनों पर सवार व्यक्तियों की मृत्यु हो जाने पर मृतकों के परिजनों को रूपये 2,00,000/- (रूपये दो लाख) की आर्थिक सहायता प्रति मृतक के से देय होगी।

नोट

1. राज्य के किसी भी व्यक्ति की मृत्यु प्राकृतिक आपदा से अपने गृह जिले के अतिरिक्त अन्य जिले में होती है, तो मृतक व्यक्ति के परिवार को उसके मूल गृह जिले से अनुदान सहायता प्रदान की जाये। मृत्यु स्थल से घटना का सत्यापन प्राप्त कर संबंधित कलेक्टर अनुदान सहायता की स्वीकृति देंगे।

2. आपदा के समय राहत एवं बचाव कार्य में लगे अधिकारी एवं कर्मचारियों की मृत्यु होने पर उनके परिवार को भी अनुदान सहायता की पात्रता होगी।

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 मृतक व्यक्ति के मूल निवास जिले में मृतक परिवार को अनुदान सहायता प्रदान की जावे।

4. ऐसे भारतीय नागरिक, जो अन्य देश की नागरिकता ग्रहण कर लिये है, राज्य में उपरोक्त आपदाओं से मृत्यु होती है, तो उनके परिवार को आर्थिक अनुदान सहायता की पात्रता नहीं होगी।

5. उपरोक्त प्राकृतिक आपदा के समय किसी विदेशी नागरिक की मृत्यु होती है, तो उपरोक्त आर्थिक अनुदान सहायता की पात्रता नहीं होगी।

6. आंधी, तूफान, अतिवृष्टि, बाढ़ की स्थिति के दौरान पेड़ / डंगाल के गिरने अथवा विद्युत प्रवाह / तार से मृत्यु होती है, तो दैवीय विपत्ति माना जायें।

10. From the perusal of aforesaid clause, it would reflect that if person died on account for aforesaid reasons, then his / her legal heirs are entitled to get ex gratia amount of Rs. 4,00,000/-. Death on account of falling from tree, or on account of falling branch of tree due to sudden thunderstorm, has also been considered as natural calamity. In instant case, alongwith deceased Ramji Lal Sahu, his wife and brother had also gone for collection of lacquer whereas alongwith deceased Banjudas Koliyare, his wife had also gone to collect the lacquor.

11. In the reports submitted in both cases, the Naib Tehsildar, Mohla has observed that the petitioners stated in their statements that their husbands fell from a tree due to a sudden thunderstorm. Nothing has been brought on record to disbelive their statements. Further, on relying their statements, earlier Naib Tahsildar, Mohla had also recommended for grant of *ex gratia* amount of the respective petitions, but nothing has been contended by learned State Counsel as to why and on which ground Niab Tahsildar declined from this earlier positive opinion, based on which, Collector, Rajnandgaon has rejected the applications filed by the petitioners whereas undisputedly deceased of both the cases died on account of falling from tree due to struck of sudeen thunderstorm, as has been stated by family members of the deceased in their statements.

12. The very object and purpose behind grant of ex-gratia amount is to provide immediate financial relief and humanitarian assistance to a person who has suffered loss on account of a natural calamity. Such compensation is not in the nature of a bounty or charity, but a welfare measure intended to mitigate the hardship caused by unforeseen and unavoidable disasters beyond human control. The State, being under an obligation to protect and support its citizens

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in times of distress, extends such ex-gratia assistance as a measure of social justice and administrative fairness. In cases where the petitioner has suffered irreparable loss due to the calamity, denial or undue delay in disbursement of the ex-gratia amount defeats the very purpose of the scheme, which is to ensure timely succour and rehabilitation. Therefore, the grant of ex-gratia amount must be considered in a liberal and purposive manner so as to advance the object of relief rather than frustrate it by adopting a hyper-technical approach.

13. In view of above discussion and considering earlier positive report submitted by Naib Tahsildar, which has subsequently been declined without any appropriate reason. In the considered opinion of this Court, the petitioners are found to be entitled for grant of ex gratia amount of Rs. 4,00,000/- on account of death of their respective husbands on account of natural calamity.

14. Accordingly, both the petitions are allowed. Collector, Rajnandgaon is directed to grant *ex gratia* amount of Rs. 4,00,000/- to each of the petitioners in both the petitions within a period of 30 days from the date of receipt/ submission of copy of this order.

Sd/-
(Naresh Kumar Chandravanshi)
Judge