



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1670/2020

PETITIONER

VERSUS

1. The Government of Maharashtra
Revenue and Forest Department
Through Secretary, Mantralaya, Mumbai,
Maharashtra.
2. Range Forest Officer,
Regional Office, Sindewahi,
Dist. Chandrapur.
3. Round Forest Officer/Forester,
Navargaon, Tah. Sindewahi,
Dist. Chandrapur.

RESPONDENTS

Mr. S. M. Bahirwar, Advocate for the Petitioner.

Mr. M. K. Pathan, Assistant Government Pleader for Respondents 1 to 3/State.

CORAM : ROHIT B. DEO AND
MRS.VRUSHALI V. JOSHI, JJ.

DATE : 18.04.2023.

JUDGMENT : [PER : MRS.VRUSHALI V. JOSHI J.]

1. **Rule.** Rule made returnable forthwith. Heard finally with consent of the parties.

2. The petitioner has filed this petition for grant of compensation as she has suffered injuries in Tiger attack.

3. The petitioner is resident of village Wakal, Tahsil Sindewahi, District Chandrapur which is covered with the forest area. She is a labourer. She is doing work in farm for her livelihood. On 24.01.2017 the petitioner went to collect Tur seeds in the field of the farmer. While doing her work she was attacked by a fully grown tiger and in said attack she was seriously injured. When she was attacked, some people doing labour work near the area helped her. Because of their noise, the Tiger ran away in the near zudpi forest. After the attack, she became unconscious and as she was seriously injured, she was taken to Sindewahi Gramin Hospital, District Chandrapur. As the injuries were serious, Doctor informed the relatives that to take her to Government Hospital at Chandrapur for better treatment. It was the case of wild animal attack, and therefore informed to the Forest Department. On 24.01.2017, she was admitted in Chandrapur Government Hospital. She was in Hospital for 4 days. On 27.01.2017 she was discharged.

4. The petitioner is working as a labourer for her livelihood. Because of Tiger attack she became panic and mentally disturbed and not able to do her labour work as well as household work. Her right hand is affected and she cannot do any work with said right hand. Due to poverty, she could not take further medical treatment. The Village Development Officer has issued Below Poverty Line Certificate to the petitioner.

5. As per Government Resolution dated 28.11.2016, she has made application to the Round Officer, Forest Department, Navargaon, Tahsil Sindewahi, District Chandrapur and requested for compensation. After requesting the Forest Officer, she has received Rs.6000/-. As the Round Officer, Forest Department, Navargaon has not paid further amount of compensation as per the Government Resolution, she has again requested on 05.02.2020, but there was no response from the officials of the Forest Department.

6. The learned Counsel for the petitioner has stated that it is the duty of the concerned Forest Department to protect the lives of innocent people residing nearby villages and to compensate the injured. Because of said attack the petitioner is unable to do any

household work and labour work. The Government has given Bravery Certificate to the petitioner on 08.03.2018 for giving fight to the fully grown up Tiger.

7. The learned Counsel for the petitioner relied on the judgment of this Court in *Writ Petition No. 4490/2017 (Kavita w/o. Ramesh Khobragade Vs. The Government of Maharashtra)*. As the petitioner has not received any compensation, has filed this petition.

8. The respondents appeared and filed their reply. The respondents have not disputed the attack by the Tiger. The petitioner was admitted in Government Hospital for said injury from 24.01.2017 to 27.01.2017. As per Government Resolution, the specific amount is mentioned for granting monetary help in respect of persons suffering from animal attack. The respondents have immediately given the relief of Rs. 4000/- in cash when she was undergoing treatment at Chandrapur. The Medical Certificate, Discharge Card were forwarded to the Assistant Conservator of Forest, Brahmapuri Forest Division for grant of appropriate compensation and the sanctioning authority i.e. Assistant Conservator of Forest calculated the amount to the tune of

Rs.10,000/-. As per Government Resolution, it is specifically categorized the amount of compensation required to be paid in respect of death of a person or permanent disability or in respect of serious injuries or in respect of other injuries. In respect of small or petty injuries, the amount of compensation is mentioned as Rs.7,500/-. Looking to the injuries sustained by the petitioner, the Assistant Conservator of Forest has sanctioned the amount of Rs.10,000/-. Since the amount of Rs.4000/- was already paid to the petitioner in cash while she was undergoing treatment, the remaining amount of Rs.6000/- was given to her by cheque. Therefore the contention of the petitioner that she has not paid compensation, is specifically denied.

9. Heard both the learned Counsel.

10. We are shocked with the decision taken by the Assistant Conservator of Forrest considering the injuries sustained in Tiger attack as simple injuries and calculating the amount of Rs.10,000/- towards compensation when the Government has honoured her by giving Bravery Certificate. It appears from the record that it is not disputed that the petitioner was attacked by the grown up Tiger and

she was admitted in Hospital for 4 days. The compensation was calculated by the Assistant Conservation of Forest Department up to Rs.10,000/-, as she has received simple injury.

11. This Court has observed while deciding the Writ Petition No.4490/2017 as under :

“What is the serious injury is not defined under the government resolution dated 28/11/2016. It can be physical as well as mental. The mental injury of trauma as a result of “Terror-struck sudden Tiger attack”, though invisible, is more grievous and serious in nature, when a man survives by narrow escape. It is per-se serious and grievous injury. Mere imagination of tiger gives someone creeps. The suffering can be perceived only by a person who is the subject of attack. It is therefore hard to believe that there cannot be serious injury due to tiger attack.”

12. The trauma which the petitioner has received after attack of the fully grown up Tiger is not considered and the respondent has very casually calculated the amount of compensation of Rs.10,000/- considering it as simple injury. She has survived after attack of the Tiger is more important thing. Considering the trauma received by her without considering the nature of injury whether simple or grievous, the respondents should have to consider the attack by the

wild animal that too the Tiger, she is entitled to receive Rs.1,00,000/- as per the Government Resolution. Hence, we partly allow the petition and direct the respondents to grant compensation of Rs.1,00,000/- to the petitioner within a period of four weeks.

13. In view of the above said observations, the petition stands disposed of.

14. Rule accordingly. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(ROHIT B. DEO, J.)

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