



2026:CGHC:15945-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 280 of 2026**

1 - Munna Ram Kewat S/o Late Shri Sukhram Aged About 47 Years R/o Village Mahant, Tahsil Nawagarh, District Janjgir Champa (CG) (Deceased Mother Namely Itwari Bai of the Petitioner)

2 - Santosh @ Rajen S/o Narottam Yadav Aged About 55 Years R/o Village Banari, Tahsil Janjgir, District Janjgir Champa (CG) (Deceased Wife Namely Shanti Bai of the Petitioner)

3 - Shrawan S/o Sukhram Aged About 35 Years R/o Village Mahant, Tahsil Nawagarh, District Janjgir Champa (CG) (Deceased Wife Namely Sarojani Bai of the Petitioner)

4 - Fekuram S/o Babulal Dhivar Aged About 65 Years Caste Dhivar, R/o Villagemahant Tahsil Nawagarh, District Janjgir Champa (CG) (Deceased Daughter Namely Tulsi of the Petitioner)

5 - Suresh Kumar Dhivar S/o Shri Ramayan Aged About 39 Years Caste-Dhivar, R/o Vilalge Banari, Tahsil Janjgir, District Janjgir Champa (CG) (Deceased Wife Namely Smt. Usha Bai of the Petitioner)

6 - Smt. Rajani Dhivar W/o Late Shri Firat Ram Aged About 46 Years Caste Dhivar, Ro Village Banari Tahsil Janjgir, District Janjgir Champa (CG) (Deceased Husband Namely Firat Ram of the Petitioner)

7 - Smt. Ganga Bai (Died) through her legal heir

7.1 - Shivkumjar Dhiwar S/o Batturam Aged About 35 Years Caste- Dhivar, R/o Village- Banari Tahsil- Janjgir District Janjgir Champa (CG) (Deceased Husband Namely Battu Ram of the Petitioner)

8 - Santosh Dhivar S/o Ravi Shankar Dhivar Aged About 36 Years Caste Dhiver, R/o Village Banari, Tahsil Janjgir, District- Janjgir Champa (CG) (Deceased Wife Namely Shanti Bai of the Petitioner)

... Appellants**versus**



1 - State of Chhattisgarh, Through Secretary, Department of Revenue of Disaster Management Mahanadi Bhawan, Atal Nagar Mantralaya, Raipur,, District Raipur (CG)

2 - Collector Janjgir-Champa, District Janjgir Champa (CG)

... Respondent(s)

For Appellant(s) : Mr. Dev Kumar Kaneri and
Mr. Prabhat Kumar Kaneri, Advocates

For Respondents/State : Mr. S. S. Baghel, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

08.04.2026

1. Heard Mr. Dev Kumar Kaneri and Mr. Prabhat Kumar Kaneri, learned counsel for the appellants as well as Mr. S.S. Baghel, learned Government Advocate, appearing for the respondents/State on I.A. No.01/2026, which is an application for condonation of delay of 42 days in filing the instant appeal.
2. For the reasons mentioned in the application I.A. No.01/2026 i.e. application for condonation of delay, the same is allowed and delay of 42 days in filing the instant appeal is hereby condoned.
3. With the consent of learned counsel for the parties, the appeal is heard finally.
4. This writ appeal is presented against an order dated 28.11.2025 passed by the learned Single Judge in WP(C) No. 1985 of 2021
(Munna Ram Kewat and Others vs. State of Chhattisgarh and



Another), whereby the writ petition filed by writ petitioners / appellants herein was dismissed by the learned Single Judge.

5. The facts of the case according to the appellants is that the deceased persons, who were the relatives of the appellants and permanent residents of the State of Chhattisgarh, had migrated to Leh-Ladakh in the year 2010 for livelihood as labourers, and on 06.07.2010, a sudden cloudburst resulted in the death/disappearance of about 37 persons, including the appellants' family members, whose bodies could not be recovered. Despite the lapse of more than ten years, the said persons remained untraced, and upon repeated representations made by the family members, the State of Chhattisgarh requested the authorities of the Union Territory of Leh-Ladakh to issue death certificates in view of the legal presumption of death after seven years of disappearance, pursuant to which death certificates were issued on 22.08.2020. Thereafter, vide order dated 22.10.2020, the respondent State directed the Collector, Janjgir-Champa to grant compensation to the legal heirs in terms of Rajaswa Pustak Paripatra 6-4 of the year 2010, and in compliance thereof, a sum of Rs.1,00,000/- was paid and a compliance report dated 16.02.2021 was submitted; however, the appellants contend that the compensation so granted is grossly inadequate as it has been calculated on the basis of the policy dated 04.10.2008, whereas the said policy stood amended vide circular dated 09.06.2015, under which the admissible compensation ought to have been



Rs.4,00,000/- per deceased person. Being aggrieved by the same, the appellants filed WP(C) No.1985 of 2021 before this Court, which has been dismissed by the learned Single Judge vide impugned order dated 28.11.2025. Hence, this appeal.

6. Learned counsel for the appellants submitted that the learned Single Judge failed to appreciate that the appellants are victims of a natural calamity and that their claim for compensation is in the nature of a welfare measure, and further failed to consider the financial condition of the families of the deceased persons, who were the sole bread earners, thereby rendering the families destitute and in urgent need of adequate compensation. They further submitted that the learned Single Judge did not take into account that the delay in issuance of death certificates was not attributable to the appellants but was solely on account of administrative inaction between the State of Chhattisgarh and the authorities of the Union Territory of Leh-Ladakh, and therefore, the appellants cannot be penalized for such procedural delay; moreover, the death certificates were issued only in the year 2020 after repeated representations, and thus the cause of action for claiming compensation effectively arose only upon issuance of such certificates. They also submitted that the competent authority itself, vide Circular dated 16.02.2021, sanctioned compensation in favour of the appellants, thereby acknowledging their entitlement, however, the same was calculated in terms of the Circular of 2008 instead of applying the subsequent and more



beneficial Circular of 2015, which was in force at the time of consideration; it is a settled principle of law that where multiple policy circulars exist, the one beneficial to the claimant and prevailing at the relevant time ought to be applied, particularly in cases relating to compensation arising out of natural disasters.

7. On the other hand, learned counsel for respondents / State opposes the submissions made by the learned counsel for the appellant and submits that the learned Single Judge after considering all the aspects of the matter has rightly dismissed the writ petition filed by the writ petitioner/appellants herein, in which no interference is called for.
8. We have heard learned counsel for the parties and perused the impugned order and other documents appended with writ appeal.
9. From perusal of the impugned order, it transpires that the learned Single Judge has dismissed the writ petition i.e. WP(C) No.1985 of 2021 vide order dated 28.11.2025, holding that the undisputed facts reveal that the relatives of the appellants died in a cloudburst in the year 2010 and, therefore, the right to claim compensation accrued at that point of time when the policy dated 2008 was in force, which provided for compensation of Rs.1,00,000/- only, and although the death certificates were issued subsequently in the year 2020, the same would not alter the date of accrual of the cause of action. It was further held that the amended policy dated 09.06.2015 enhancing the compensation to Rs.4,00,000/-



operates prospectively and cannot be applied retrospectively to the incident of the year 2010, and thus, the appellants are not entitled to any enhanced compensation, leading to dismissal of the writ petition.

10. Considering the submissions advanced by the learned counsel for the parties and the finding recorded by the learned Single Judge while dismissing the writ petition filed by the writ petitioners/ appellants herein, we are of the considered opinion that the learned Single Judge has not committed any illegality, irregularity or jurisdictional error in the impugned order warranting interference by this Court.
11. Accordingly, the writ appeal being devoid of merit is liable to be and is hereby **dismissed**. No cost(s).

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice