



2026:CGHC:19516

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPC No. 5249 of 2021**

Smt. Laxmi Sahu D/o Late Shayam Sunder Aged About 25 Years R/o Village Bijabhata, Tahsil Dongargaon District Rajnandgaon Chhattisgarh.

... **Petitioner.**

**Versus**

1 - The State Of Chhattisgarh Through Its Secretary, Revenue And Disaster Management, Mantralaya, Naya Raipur District Raipur Chhattisgarh.

2 - The Collector Rajnandgaon, Chhattisgarh.

3 - The Additional Collector, Rajnandgaon Chhattisgarh.

4 - Sub Divisional Officer (Revenue) Dongargoan, District Rajnandgaon Chhattisgarh.

5 - Naib Tahsildar, Dongargoan, District Rajnandgaon Chhattisgarh.

... **Respondents.**

(cause title downloaded from CIS Periphery)

For Petitioner	:	Ms. Bhavika Kotecha, Advocate.
For Res/State	:	Mr. Dilman Rati Minj, Dy. AG.

**(Hon'ble Shri Justice Naresh Kumar Chandravanshi)**

**Order on Board**

**28/04/2026**

With the consent of learned counsel for the parties, the matter is heard finally.

1. This Writ Petition under Article 226 of the Constitution of India has been preferred by the petitioner challenging the order dated 29/09/2021 passed by the Upper Collector, Rajnandgaon (C.G.), whereby the application filed by the petitioner seeking an ex gratia amount of Rs.4,00,000/- on account of the death of her mother, namely, late Suman Bai, due to drowning has been rejected.



2. Facts of the case, as projected by the petitioner is that on the date of the incident, i.e. 06/09/2020 at about 4 PM, Smt. Suman Bai, mother of the petitioner, had gone to the agricultural field for cutting grass. While she was cutting grass from a field ridge (Medh) which had a height of 6-7 feet, she slipped and fell face-down into a field filled with water up to 3 feet. As a result, she died on the spot. Subsequently, after receiving information, the police lodged Merg Report No.78/20. An inquest report was prepared. Postmortem of the deceased was conducted, in which the doctor opined the cause of death to be "asphyxia due to drowning." Spot Map, etc., was prepared by the police. Since in the Merg Enquiry it was found that the deceased died due to asphyxia from drowning in water, the Merg Enquiry was closed.
3. Subsequently, the petitioner, who is the daughter of the deceased, filed an application for the grant of an ex-gratia amount of Rs. 4 Lacs before the Revenue Authority. The Tahsildar, Dongargaon, vide order 30/06/2021, recommended granting the ex gratia amount to the legal heirs of the deceased on the ground of death by drowning. Similar recommendations were also made by the Sub-Divisional Officer (Revenue), Dongargaon, as well as the Upper Collector, Rajnandgaon. However, when the matter was forwarded to the Collector, Rajnandgaon, he remitted the matter back to the SDO (Revenue) for spot inspection and further enquiry.
4. After receiving the matter, the SDO (Revenue) again conducted the enquiry, during which villagers informed him that the deceased was suffering from epilepsy seizures. However, villagers could not ascertain whether she was experiencing seizures at the time of the incident. He further opined that, according to villagers, the deceased was lying face-down in an agricultural



field filled with water. Consequently, the SDO (Revenue) changed his earlier recommendation and held that the petitioner is not entitled for the ex gratia amount. Thereafter, similar negative opinion was forwarded by the Upper Collector, which was approved by the Collector, Rajnandgaon, vide impugned order dated 29/09/2021.

5. Learned counsel for the petitioner submits that the Revenue Authorities, except the Collector, Rajnandgaon, had earlier given positive opinions recommending for grant of the ex gratia amount based on due consideration of the enquiry. Further, the villagers informed the Authorities about the incident, and spot inspection also confirmed that the deceased was found face-down in an agricultural field filled with water. Counsel further submits that the postmortem report categorically opined that the cause of death was asphyxia due to drowning. Despite such categorical facts and evidence, the Collector, Rajnandgaon, remitted the matter which shows that he is not intending to grant the ex gratia amount, following which, the Revenue Authorities have also declined from their earlier recommendations and formed negative opinion, which is illegal and arbitrary. She submits that Part 6, Clause (4), paragraph 5(1) of the Revenue Book Circular dated 09.06.2015 specifically provides that an ex gratia amount must be granted to the legal heirs for deceased who died due to drowning. However, the Collector and Revenue Authorities ignored the provisions of law, therefore, appropriate directions may be issued to grant the ex gratia amount of Rs. 4 Lacs.
6. In reply, learned State counsel opposes the prayer and submits that in the subsequent enquiry, it was found that the agricultural field was only filled with water up to 1 foot. It was also found that the deceased suffered from



epilepsy seizures (Mirgi) and that there is no provision in the Revenue Book Circular for an ex gratia amount for drowning specially in an agricultural field. Therefore, the Collector and Revenue Authorities committed no error in rejecting the application.

7. Heard counsel for the parties and perused the material placed on record.
8. In order to appreciate the controversy involved in the writ petition, it would be appropriate to peruse the provisions contained under Paragraph 5(1) of the Part 6, Clause (4) of the Revenue Book Circular dated 09.06.2015 issued by the State Government, 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 रुपये 4,00,000 /- (रुपये 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।"

9. From perusal of aforesaid provision of the Revenue Book Circular it is explicit that it provides a financial assistance of Rs. 4,00,000/- to the legal heirs of deceased in cases of death due to natural calamities, including drowning in rivers, ponds, dams, wells, canals, or drains. Once death is verified and the cause ascertained by a medical examination, the Collector shall sanction for grant of ex gratia amount.



10. The perusal of the order sheets reflects that after examining the enquiry, Merg report, and postmortem reports, the Tahsildar, SDO (Revenue), and Upper Collector, vide orders dated 30/06/2021, 27/07/2021, and 30/07/2021, respectively, recommended for the grant of ex gratia amount. Despite three positive recommendations, the Collector remitted the matter for a spot inspection. Subsequently, based on enquiry which was conducted after about one year of the incident, the Authorities changed their earlier opinions and stated that there was only 1 feet of water. Whereas, the medical report remained as it is that the cause of death was "asphyxia due to drowning."
11. The object of granting an ex gratia amount is to provide immediate financial relief and humanitarian assistance to those suffering loss due to natural calamities. Such compensation is a welfare measure intended to mitigate hardship. The State is obligated to support its citizens in times of distress, and such assistance should be considered in a liberal and purposive manner rather than being frustrated by a hyper-technical approach.
12. In view of the above discussion and considering the earlier positive recommendations submitted by the Tahsildar and SDO (Revenue), Dongargaon, and the Upper Collector, Rajnandgaon which were subsequently declined without any appropriate reason after the remittal by the Collector, Rajnandgaon and also considering the opinion formed by the doctor, this Court is of the view that the legal heirs/dependents of the deceased are entitled to the grant of an ex gratia amount of Rs. 4,00,000/- on account of the death of the deceased, Suman Bai.
13. Hence, the Collector, Rajnandgaon, is directed to verify the status of the legal heirs of the deceased and pass an appropriate order for the grant of the ex



gratia amount to the unmarried daughter/sons/dependents of the deceased, namely, Saraswati, Harshkumar, and Nikhil, and their grandfather, namely, Jhabbulal, who is looking after the aforesaid children after the death of their mother, the deceased Suman Bai, and their father, who was reported to have died earlier.

14. However, it is apparent from the documents available on record that two daughters of the deceased, namely, Smt. Laxmibai (petitioner) and Durga, are found to be married as per note-sheets of the Revenue Authorities and residing separately, therefore, they are not entitled to receive a share from the aforesaid amount, as they are not found to be dependent upon the deceased.
15. The Collector, Rajnandgaon, after receipt/submission of this order, shall verify the status of the legal heirs of the deceased and, after due verification shall pass an order for the disbursement of the ex gratia amount of Rs. 4 Lacs to the legal heirs/dependents, namely, Saraswati, Harsh Kumar, Nikhil, and their grandfather Jhabbulal.
16. The aforesaid exercise shall be carried out within 30 days from the date of receipt/submission of this order.
17. Registry is directed to forward copy of this order to the Collector Rajnandgaon as also to aforesaid dependent legal heirs of the deceased, namely, Saraswati, Harsh Kumar, Nikhil, and their grandfather Jhabbulal for compliance of this order.
18. With these observations and directions, this writ petition is disposed of.

Sd/-

**(Naresh Kumar Chandravanshi)**  
**Judge**

Ajay