

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 4652 of 2019**

- Vijay Das Manikpuri [REDACTED]

---- Petitioner

**Versus**

1. State of Chhattisgarh Through The Secretary, Department of Revenue & Disaster Management, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh
2. Collector, District : Kawardha (Kabirdham), Chhattisgarh
3. Sub Divisional Officer (Revenue) Bodla, District : Kawardha (Kabirdham), Chhattisgarh
4. Chief Executive Officer Nagar Panchayat Bodla, District : Kawardha (Kabirdham), Chhattisgarh
5. Medical Officer Community Health Center, Bodla, District : Kawardha (Kabirdham) (CG)

---- Respondents

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For Petitioner	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent-State	:	Mr. G. Patel, Govt. Advocate.

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**SB: Hon'ble Mr. Justice Parth Prateem Sahu****Order On Board****04/07/2023**

1. Petitioner has filed this writ petition seeking direction for respondents to grant / sanction compensation to him for the loss suffered by him on account of death of his seven years old daughter due to stray dog bite.
2. Facts of the case, in brief, is that on 22.3.2018 daughter of petitioner Miss Sadhna, who was aged about 07 years, was

attacked by a stray dog while she was returning home from school, and caused serious injuries on her face, head etc. She was taken to Government Hospital Bodla where she was provided preliminary treatment, but looking no improvement in her health condition, the doctor referred her to bigger hospital at Raipur. She succumbed to dog bite injuries on 6.4.2008. On account of death of his daughter due to attack of street dog, petitioner moved an application before respondent No.3 claiming compensation from the government relief fund. Respondent No.3 rejected claim of petitioner for grant of compensation on the ground that there is no provision under the Revenue Book Circulars (RBC) for awarding compensation in a case where death was caused due to stray dog bite.

3. Learned counsel for the petitioner would argue that there is a duty cast on the respondents to ensure that human inhabiting areas are protected from any attack by street / stray dogs. Respondents have failed to discharge this duty as a result minor daughter of petitioner was attacked by a stray dog causing grievous and dangerous injuries resulting into her death. Since the respondents failed to curb the menace of stray dogs by taking all possible steps, which amounts to negligence, the petitioner is entitled for compensation. He relies upon the **order dated 10.10.2018** of this Court in **WPC No.1856/2018**, parties being **Shobha Ram vs. State of CG & ors**, wherein the Court has allowed compensation of Rs.10,00,000/- to the petitioner therein whose wife died on account of attack by

street dog.

4. Learned State Counsel opposing submissions of learned counsel for the petitioner, would submit that the Revenue Book Circular does not allow the State Government to grant compensation for the death due to stray/rabid dogs bite and hence, the impugned order of respondent No.1 does not call for any interference. There was no negligence on the part of respondents and therefore, respondents cannot be made responsible and/or liable to make payment of compensation. Respondents cannot remove all stray dogs from the area. The child was returning alone from school which has resulted in attack by stray dog. If some elders were with the child, no such incident would have occurred. Therefore, respondents are not liable to make payment of compensation to petitioner.
5. Heard learned counsel for the parties and perused the documents available in record.
6. In support of pleading that petitioner's daughter died due to complications of dog bite injuries, petitioner has annexed Rabies Post Exposure Treatment Card of deceased girl and certificate issued by the Medical Officer, CHC, Bodla, as Annexure P-2. Perusal of the Rabies Post Exposure Treatment Card of petitioner's daughter would show that vaccines of rabies were administered to her on 22.3.2013, 26.3.2013, 29.3.2013 and next vaccine was due on 18.4.2018 but unfortunately, she expired on 6.4.2018 due to complications of

dog bites. Annexure P-2 also contains a certificate dated 12.5.2018 issued by the Medical Officer, Community Health Centre, Bodla certifying that petitioner's daughter was brought health centre with injuries caused by dog bites and looking to her critical condition, she was referred to higher hospital Dr. Bheem Rao Ambedkar Memorial Hospital, Raipur. Photograph of petitioner's daughter annexed with writ petition would reflect and show the extent and nature of injuries suffered by her, the wounds suffered by daughter of petitioner are gruesome. There is no dispute that the wounds appearing in the photograph were not suffered as a result of biting by a stray dog. Hence, it is clear from the documents available on record, which are not disputed by learned counsel for respondents, that a stray dog had bitten daughter of petitioner and she succumbed to dog bite injuries during the course of treatment.

7. Petitioner's application for compensation was rejected by respondent No.3 on the ground that there is no provision under the RBC for awarding compensation due to stray/rabid dog biting.
8. Now the question arises for consideration is whether petitioner is entitled for compensation on account of death of his minor child due to dog bite.
9. Untimely and unnatural death of a child cannot be valued or compensated in terms of money as it is a perennial grief to the parents and other family members and such a loss would

surely lead to mental agony and trauma. The agony and suffering of a victim of dog biting are only to be experienced or seen. In case at hand, the excruciating pain, suffering, mental agony and deprivation of faculties which would have immediately visited that girl child with her encounter with stray dog, can also easily be envisioned from the photographs annexed with writ petition as Annexure P-2.

10. Identical issue came up for consideration before the Co-ordinate Bench of this Court in **WPC 1856/2018**, parties being **Shobha Ram vs. State of Chhattisgarh & ors**, decided on 10.10.2018, and the Co-ordinate Bench referring to various decisions of the Hon'ble Supreme Court, has allowed writ petition and granted compensation of 10,00,000/- to petitioner, husband of deceased wife died due to dog bite. Relevant paragraph of said order is extracted below for ready reference:-

“24. In view of the above, I deem it appropriate to award compensation to the tune of Rs.10,00,000/- in favour of the petitioner minus (-) the amount already paid by the Government to the Hospital where the deceased obtained treatment. Petitioner would, thus, be entitled to a sum of Rs.8,50,000/- within a period of three months from the date of receipt of certified copy of this order.”

11. The Division Bench of this Court in *suo motu* public interest litigation bearing **WPPIL No.24/2017**, In reference Court on

**its own motion (regarding death of Ku. Divya Verma, D/o Shri Ashok Verma due to rabies) V. State of Chhattisgarh & another**, dealing with different facets of the problems of stray dogs and the menace resulting out of confrontation of such animals with human and also other domesticated animals, has granted compensation of Rs.10 Lakh to the mother of victim of dog bite. Relevant portion of the order dated 22.8.2017 is reproduced below for ready reference:-

“For the time being, there will be an order directing the State Government to release to the mother of Ku. Divya Verma an amount of Rs.10 lacs towards compensation, the sufficiency or otherwise of which will be considered by us further during the course of this writ petition. Let payment in terms of this order be made by the Government through appropriate procedure within a period of two weeks from now. The eligibility of the State to appropriate that amount from any other person or establishment is left open.”

12. Recently, the Division Bench of this Court in a batch of writ appeals filed by the State, lead case being **WA No.409/2020 (State of CG vs. Bhaiya Lal Gond)** decided on **28.04.2023**, while considering the challenge to the compensation granted by learned Single Bench for the death caused by rabies infection due to stray dog bites, has observed thus:-

“24. Applying the above proposition of law, we are of the opinion that when the death is caused by rabies infection of stray dog bites it would also come under the purview of “strict liability” or “no-fault liability” and interpreting the order of the State which grants gratuitous compensation for death, cripple and injury caused in wild animal attacks can be applied to the incidents of a stray dogs when death is caused by the bite of stray dog.

25. While interpreting the further quantum of compensation by the Welfare State, we deem it appropriate that the said notification which was issued in the year 2015 whereby an amount of Rs. 4lakhs was fixed also needs to be revisited with the passage of time considering the inflation and growing market price index in the Society. Therefore, we direct the State to reconsider such Policy for enhancement of compensation which is granted by letter dt. 12.06.2015. The State may frame fresh policy taking into consideration the price index and other ancillary factors for enhancement of such gratuitous compensation. So far as the given case in hand, considering the facts and the time which has passed-by till date, we deem it proper to grant an ex-gratia payment of Rs.6,50,000 in each case to the dependent family members of victims who have died due to stray dog bites. We further observe that if the family of the victim is entitled to prove the claim for more amount, then in such a case, they have to resort to the fact finding enquiry by proper legal proceedings as laid down by Supreme Court in (2016) 13 SCC 504.

33. To conclude, we direct that (i) the ex-gratia payment to the respondents as per the notification from occurrence of stray dog bite death would be Rs.6,50,000/- and would be paid to the dependent of each victim family within a period of 45 days, failing which, it will carry interest @ 6% per annum; (ii) Apart from the aforesaid gratuitous payment, the family of the victim would be entitled to claim their right for further compensation, if so advised, which would be dependent on the fact finding enquiry of each individual case ; and (iii) the State would be obliged to give a wide publicity of anti-viral dog bite injection of treatment schedule by way of public posters and advertisements in print media and different means of communication through the health workers.”

13. Keeping in mind above decisions as also considering all the aspects of the matter, particularly that it is not in dispute that daughter of petitioner died due to complications of a stray dog bite, I deem it fit to award a sum of Rs.6,50,000/- as *ex gratia* / compensation to the petitioner. This amount of compensation shall be paid to the petitioner within a period of three months from the date of receipt of this order, failing which it will carry interest @ 6% p.a. till the actual payment is made.
14. As an upshot, writ petition stands allowed.

Sd/-  
(Parth Prateem Sahu)  
Judge

roshan/-