IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

CIVIL WRIT PETITION NO. 986 OF 2014

Sukhdev Kaur and others

...Petitioners

Versus

State of Haryana and others

..Respondents <

INDEX

Particulars	Date	Page	Court
		No.	Fee
List of Dates & Events	14.05.2014	1	
Writ Petition	14.05.2014	2-13	150:00
Affidavit	14.05.2014	14-15	
Annexure P-1(Copy of	06.11.2012	16-18	3-00
D.D.R)			
Annexure P-2 (Copy of Post	06.11.2012	19-22	4.00
mortem Report)			
·	06.11.2012	23	1.00
certificate)		•	
Annexure P-4	12.02.2013	24-28	500
Representation)			
·	27.05.2013	29-30	2.50
by respondent no.3)			
	Writ Petition Affidavit Annexure P-1(Copy of D.D.R) Annexure P-2 (Copy of Post mortem Report) Annexure P-3 (Death certificate) Annexure P-4 Representation)	List of Dates & Events 14.05.2014 Writ Petition 14.05.2014 Affidavit 14.05.2014 Annexure P-1(Copy of 06.11.2012 D.D.R) Annexure P-2 (Copy of Post 06.11.2012 mortem Report) Annexure P-3 (Death 06.11.2012 certificate) Annexure P-4 12.02.2013 Representation) Annexure P-5 (Order passed 27.05.2013	No. / List of Dates & Events 14.05.2014 1 Writ Petition 14.05.2014 2-13 Affidavit 14.05.2014 14-15 Annexure P-1(Copy of 06.11.2012 16-18 D.D.R) 16-18 Annexure P-2 (Copy of Post 06.11.2012 19-22 mortem Report) 23 certificate) 23 certificate) 24-28 Representation) 29-30

9.	Power of Attorney	14.05.2014	31	3.00
10.	Vernacular Copy of D.D.R	06.11.2012	32-33	
	ANNEXURE P-1			14
11.	Vernacular Copy of Death	06.11.2012	34	
	Certificate ANNEXURE P-3			

Total Countree-168-00/

Note:

1. CAVEAT IF ANY:- NIL

- 2. No similar petition is filed or pending before this Hon'ble court or supreme court of India or any other court of law.
- 3. The main law points canvassed in the present Writ petition are contained in para no. 7 at pages // thereof.
- 4. Relevant Stautes/Rules

(i)Constitution Of India, 1950.

Place: Chandigarh

DATED: 14.05.2014.

(Sukhvinder Singh Nara)

Enrl No.

P-1261/2005

& (Naveen Kumar Jaglan)

P-2741/2011

Advocates
Counsel for the Petitioners

2 of 37

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH,

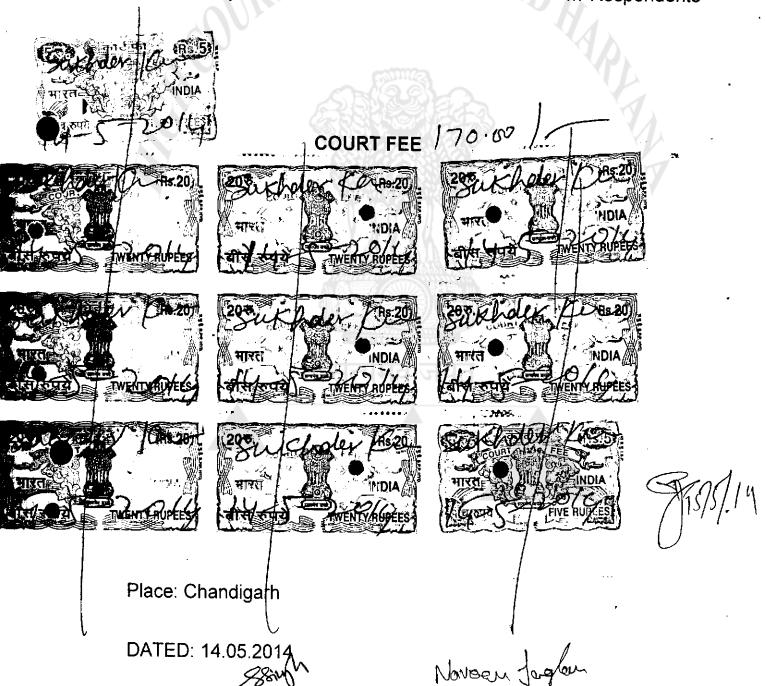
C.W.P. NO. 9865 OF 2014

Sukhdev Kaur and others

... Petitioners

State of Haryana & others.

... Respondents



P-1261/2005 Enrl No.

(Sukhvinder Singh Nara) & (Naveen Kumar Jaglan) P-2741/2011

> Advocates Counsel for the Petitioners

::: P3701994 ::: ::: Downloaded on - 06-10-2016 134618

I Certified that Stamp Paper

List of Dates and Events

The deceased jaswinder singh was employed as peon by Deputy Commissioner Ambala.

That the husband of Petitioner no.1 namely Jaswinder Singh died in road accident due to sudden appearance of nilgain(Blue Bull) on the road his death certificate is annexed as annexure P-3.

6.11.2012 D.D.R was registered regarding the death of Jaswinder singh Annexed as annexure P-1.

12.11.2013 Representation was moved regarding compensation to the concerned authorties annexed as annexure P-4.

27.05.2103 That an amount of rupees 30,000 was awarded as Compensation only in the favour of petitioner no.1 by respondent no.3 annexed as annexure P-5.

14.05.2014 Hence the present writ petition.

Place: Chandigarh

DATED: 14.05.2014

(Sukhvinder Singh Nara) Enrl No. P-1261/2005

& (Naveen Kumar Jaglan) P-2741/2011

Advocates
Counsel for the Petitioners

IN THE HON'BLE HIGH COURT OF PUNJAB ASND HARYANA, AT CHANDIGARH.

C.W.P. No. 9865 OF 2014 /

- 1. Sukhdev Kaur widow of late Shri. Jaswinder Singh, residents of Ward No. 1, Katcha Killa Road, Sadhora Distt. Yamunanagar
- Satbir Singh son of late Sh. Jaswinder Singh, residents of Ward
 No. 1, Katcha Killa Road, Sadhora Distt. Yamunanagar
- 3. Gurmit Singh son of late Sh. Jaswinder Singh, residents of Ward No. 1, Katcha Killa Road, Sadhora Distt. Yamunanagar

.....Petitioners

Versus

- State of Haryana through Chief Secretary, Govt. of Haryana,
 Haryana Civil Secretariat, Chandigarh.
- The Financial Commissioner & Principal Secretary to Govt.
 Haryana, Department of Forests & Wild Life. Haryana Civil Secretariat, Chandigarh.
- Additional Principal Chief Conservator of Forests (APCCF)

 (Wild Life) –cum Chief Wild Life Warden, Haryana, Van
 Bhawan, Sector 6, Panchkula.
- Divisional Wild Life officer, Van Bhawan, C-18, Sector 6,
 Panchkula.

::: P3701994 ::: ::: Downloaded on - 06-10-2016 19:18:57 :::

- 5. Inspector Wild Life, Kalesar, District Yamunanagar.
- 6. Deputy Commissioner, Yamunanagar.
- 7. Superintendent of Police, Yamunnagar at Jagadhri.
- 8. S.H.O, P.S. Bilaspur, District Yamunanagar.

...Respondents.

Civil Writ petition under article 226/227 of Constitution of India, 1950 praying for issuance of appropriate writ/order or directions especially in the nature of certiorari/ mandamus directing respondents to award compensation to the petitioners to the tune of Rs. 20 lacs along with interest @ 18% per annum from the date of accrual of claim till its realization, as vide the order dated 27.5.2013 (Annexure P-5) passed by Respondent No. 3 a very meager. amount of Rs. 30,000/- has been awarded only in favour of the petitioner No. 1.

AND/OR

Any other relief which this Hon'ble High Court may deem fit in the peculiar facts and circumstances of the case may also be granted to the petitioner, in the interest of justice.

- 1. That the petitioners are permanent resident of the above given address and being citizen of India are entitled to invoke the extra ordinary writ jurisdiction of this Hon¹ble Court under Article 226/227 of the Constitution of India, 1950.
- That the petitioner no. 1 is wife of the deceased Jaswinder
 Singh and petitioners no. 2 and 3 are her sons. The age of the petitioner no. 1 is 39 years, the age of petitioner no. 2 & 3 is 16 years & 15 years respectively.
- 3. That the factual background of the matter is that on 4.11.2012 at about 5/5.30 p.m. the petitioner no. 2 Satbir Singh alongwith his father (now deceased) namely Jaswinder Singh was going to his house at Sadhora from his fields at Kalpurikalan by riding motor cycle no. HR71-0823, Satbir was driving the motor cycle whereas the deceased was pillion rider. When they reached at Kurali Bus Stop on Sadhora Billaspur road then all of sudden a group of blue bulls (Nilgains) came on the road from east side and collided with their bike as a consequence of which the Satbir Singh alongwith his deceased father fell down on the road and suffered various injuries and as a result of which they became unconscious and the blue bulls passed over their bodies. The injured were taken by the passerby in ambulance at Sadhora Civil Hospital and

thereafter they referred were to Troma Centre Yamunanagar, to get best treatment. Satbir Singh and his father were got admitted in Gaba Hospital by the mama of the Satbir Singh namely Brahm Pal. But unfortunately the husband of the petitioner no. 1 had died as a result of injuries suffered by him in the above mentioned accident. The matter was reported to the office incharge of the police station of Bilaspur District Yamunanagar and Head constable Ravi Parkash after verification found the same to be a case of accident because of the sudden appearance of the blue bulls and reported that no cognizable offence is found to be committed. For kind perusal and ready reference of this Hon'ble Court the true copy of DDR dated 6.11.2012, copy of Post mortem 6.11.2012 and death certificate dated report dated 19.11.2012 are appended herewith as Annexure -1 to P-3 respectively.

4. That since the accident took place due to the negligence of respondents and they are liable to pay compensation to the petitioners, the petitioners moved a representation dated 12.2.2013 to the respondents trough registered post claiming compensation of Rs. 20 lacs for the death of Jaswinder Singh. For kind perusal and ready reference of this Hon'ble Court a copy of representation dated 12.2.2013 is appended herewith as **Annexure P-4.**

- 5. That acting on the representation dated 12.2.2013 (Annexure P-4), the concerned respondents have verified the facts and after finding the same to be true, the respondent no. 3 has awarded Rs.30,000/- as compensation vide order dated 27.5.2013. It is significant to mention here that the above said amount has been sanctioned/awarded only in favour of petitioner no. 1 and nothing has been sanctioned in favour of her sons. For kind perusal of this Hon'ble Court a copy of order dated 27.5.2013 passed by respondent no. 3 is appended herewith as **Annexure P-5**.
- 6. That the present writ petition deserves to be allowed and the amount awarded in the impugned order dated 27.5.21013 (Annexure P-5) is liable to be enhanced to the tune of Rs. 20 lacs, alongwith interest as claimed, in favour of all the petitioners as well as the family of the petitioner no. 1 is entitled for one government job, inter alia, on the following grounds:
 - a) At the outset, it is submitted that the factum of accident, the cause of death and negligence on the part of concerned respondents is not in dispute because after finding all the above said facts to be true the respondent no. 3 has sanctioned/awarded the compensation of Rs. 30,000/- in favour of petitioner no. 1 vide order dated 27.5.2013 (Annexure P-5). Hence, this

Hon'ble Court may entertain this petition because the facts are not in dispute.

b) That the respondent no. 3 should have awarded compensation in favour of all the petitioners to the tune of Rs. 20 lacs alongwith interest @ 18% per annum from the date of accrual of claim till its realization. But the respondent no. 3 has only awarded meagre amount of Rs. 30,000/-only in favour of petitioner no. 1 which is unreasonable and does not suit the present living conditions and standard of life. Apart from this the respondents should have granted government job to one member of the family of the petitioners but in the order dated 27.5.2013 nothing has been discussed about providing the government job despite the fact that the claim was raised the petitioners the representation i.e. Annexure P-4. That the blue bulls (Nilgain) are protected animals and no one can cause any harm to these animals because the same is punishable offence and further it is the duty of the State to protect these animals. This Hon'ble Court may take judicial notice of the fact that numbers of accidents are taking place at the roads because of sudden appearance of these blue bulls on the roads and there is no

measure taken by the State to ensure the safety of its citizens on the roads.

- c) That it is the duty of the State to protect these animals and also to protect its citizens. It is also true that in roadside accidents because of sudden appearance of the blue bulls, the blue bulls also suffers injuries and some time dies at the spot and apart from this these blue bulls cause harm to the crops of farmers and now a days their population is increasing day by day and there is no control of the State on these blue bulls.
- d) That once these animals have been shown as protected animals under the schedule appended to the concerned wife life act, the wild life department should take appropriate steps to ensure the safety of these animals and the safety of the public on the roads. Had there been any steps taken by the State to protect these animals and to keep them away from the roads, the bike of the deceased would not have collapsed with these animals.
- e) That the Constitution of India guarantees various fundamental rights to the citizens of India among them Article 21 provides right to life and personal liberty, the inaction and omission on the part of

State in not providing safety measures to the citizens against the sudden appearance of animals on the roads and causing accidents violates Article 21 of the Constitution of India and for this State is liable to compensate the petitioners.

- f) That the whole family was dependent upon the deceased Jaswinder Singh and after his death they have no means of livelihood and they are unable to survive comfortably.
- g) That, however the death of Jaswinder Singh cannot be compensated in any manner and the life of the petitioners which is distracted cannot be brought ante but still the compensation if any is provided to the petitioners would be a great help for the survival of the petitioners. Since a great loss has been caused to the petitioners because of inaction and omission on the part of State, the State is duty bound to compensate petitioners with appropriate amount which in the opinion of petitioners comes to Rs. 20 lac. alongwith interest and government job as claimed.
- h) That another aspect which should not be left is that the State should ensure appropriate measure for the safety of its citizens on the road,

- i) That the deceased Jasvinder Singh was employed on the post of peon by deputy commissioner Ambala, in the year 1988, and before his death in 2012 he was earning approximately rupees 20,000 per month, keeping in view this fact also compensation awarded is on very lower side.
- 7. That the following questions of law arises in the present writ petition for kind consideration of and adjudication by this Hon'ble Court;
 - a) Whether the petitioners are entitle for the compensation as prayed for?
 - b) Whether the state is liable to pay claimed amount under the peculiar facts and circumstances of the case?
 - c) Whether the inaction on the part of the state has resulted into violation of article 21 of the Constitution of India?
 - d) Whether the state is under bounden duty to protect the lives of its citizens?
 - e) Whether the State is under obligation to ensure the safety of its citizens travelling on the roads?
 - f) Whether grave and manifest injustice has been caused to the petitioners.

14 of 37

- 8. That the petitioners are left with no other equally efficacious and speedy remedy i.e. revision or appeal except to approach this Hon'ble High Court under Article 226/227 of the Constitution of India.
 - 9. That no such or similar writ petition has earlier been filed by the petitioners before this Hon'ble court or supreme court of India or any other court of law.

It is, therefore, respectfully prayed that this Hon'ble Court be pleased:

- i. To issue a writ/order or directions especially in the nature of certiorari/ mandamus directing the respondents to award compensation to the petitioners to the tune of Rs. 20 lacs along with interest @ 18% per annum from the date of accrual of claim till its realization, as vide order dated 27.5.2013 (Annexure P-5) passed by Respondent No. 3 a very meager amount of Rs. 30,000/- has been awarded only in favour of the petitioner No. 1.
- ii. Any other relief which this Hon'ble High Court may deem fit in the peculiar facts and circumstances of the case may also be granted to the petitioner, in the interest of justice.

To Exempt the petitioner from filing the certified iii. copies of Annexures P-1 to P-5 and legible copy of

annexure P-2.

L. Sathir

Chandigarh

Dated: 14.05.2014

(SUKHVINDER SINGH NARA) & (NAVEEN KUMAR JAGLAN)

P-1261/2005

P-2741/2011

Advocates Counsel for the petitioners.

Verification:

Verified that the contents of para no.1 to 6 and 8 to 9 are true and correct to the knowledge of the petitioner. The contents of para no.7 based on the legal advice of the counsel and believed to be true and correct. No part of it is false and nothing materially relevant has been concealed therefrom.

Chandigarh

Dated: 14.05.2014

...Petitioners

2. Sathir [SATBIR SINGING 3. Guerment Single [GURMIT SINGIM]

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

C.W.P. NO. 9865 OF 2014

Sukhdev Kaur

... Petitioner

Versus

State of Haryana & others.

... Respondents

Affidavit of Sukhdev Kaur widow of late Shri. Jaswinder Singh, residents of Ward No. 1, Katcha Killa Road, Sadhora Distt. Yamunanagar

I, the prove maned deponent do hereby solemnly affirm and declare as under:

- 1. That the deponent and another petitioner are filing the accompanying Civil Writ Petition in this Hon'ble Court. The deponent and another petitioner are well conversant with the facts of the writ petition, which has been drafted on the basis of instructions and documents supplied by the deponent and another petitioner. The contents of the writ petition have been read over and explained to the deponent another petitioner in simple Hindi and they have understood the same.
- 2. That the facts narrated in paras no. 5, and are true and correct to the knowledge of the petitioner. The contents of para no.7 ::: P3701994 ::: ::: Downloaded on 06-10-2016 19:18:57 :::

From the off

are based on legal advice, which is believed to be correct. No part of the writ petition is false and nothing relevant has been concealed therefrom.

CHANDIGARH

DATED: 14 .5.2014

Deponent

म्प्य देव और

VERIFICATION:-

Verified that the contents of paras 1 and 2 of my above affidavit are true to my knowledge and belief. No part of it is false and nothing material has been concealed therein.

CHANDIGARH

DATED: 14.5.2014

Deponent

Chandigarh

Annexure P-1

Daily Station/General Diary

Police Station: BILLASPUR (District YAMUNA NAGAR)

Gd No. 10(A)

G.D. Date & Time: 06.11.2012 11:30

G.D. Entry Type

Other G.D. type (AAMAD TELEPHONE

VA RAVANGI KHUD

Reporting Person

RAVI PARKASH (HC)

Substance.

At this time a telephonic call has been received from the hospital that victim Jaswinder Singh son of Gurmail Singh caste Jat resident of Kacha Killa, Sadhora PS Sadhora Distt. Yamunanagar, who is admitted in Gaba Hospital on 4.11.2012 due to the injuries injured in road side accident. Who had died today during the treatment. The IO be sent for action. On this information I HC, constable-1, Kamaljit, departing for Gaba Hospital to take appropriate action.

At this time, I HC alongwith have returned to the police station from Gaba Hospital and GH, Yamunanagar after getting the post mortem conducted of the body of deceased Jaswinder son of Gurmail Singh caste Jat Sikh Kacha Killa road, Sadhora. The body of deceased Jaswinder Singh has been handed over to his legal heirs for last rites after getting the post mortem conducted and the

proceedings under section 174 Cr.P.C. and statement of one Satbir Singh has been recorded, which is as under:-

Statement of Satbir Singh son of Jaswinder Singh, caste Jat Sikh. resident of Kacha Killa, Sadhora, PS Sadhora Distt. Yamuna Nagar and aged about 20-21 years. Stated that I am resident of the above said address and doing private job in Aryan College Sadhora. On 4.11.2012, at about 5-5.30 P.M., me and my father Jaswinder Singh, on our motorcycle no. HR71-0823, Mark Hero Honda were going to our house at Sadhora from our fields at village Kalpuri Kalan. I was driving the motor cycle and my father was sitting behind me, when we reached at Kurali Bus Stand Sadhora Bilaspur Road then all of sudden a group of blue bulls (Nilgains) came on the road from east side and collapse with our bike as a consequence of which me alongwith my deceased father fell down on the road separately and the group of blue bulls passed over our body. I suffered injuries on my face and my father had suffered injuries on the right side of his head and on the left side. We both fell unconscious and the passerby have called the ambulance and me and my father were taken to C.H.C Sadhora. Thereafter, due to critical condition me and my father was got admitted by Mama Braham Pal in Gaba Hospital. Due to this, my father had died today morning on 6.11.2012 in the Gaba Hospital. This accident took place by chance due to the sudden arrival of group of blue bulls and collision with the bike. Action be taken. The statement has got recorded and heard. My father was posted at the post of peon in

Education Department at village Dhanora. Sd/- Satbir Singh, Attested HC Ravi Parkash, PS Bilaspur, Dt./ 6.11.2012. Police Action: On 6.11.2012, the information has been received through telephone in the police station that Jaswinder singh son of Gurmail Singh caste Jat Sikh,resident of Kacha killa, Sadhora, who was admitted on 4.11.2012 in Gaba Hospital due to injuries suffered in the accident, had died today on 6.11.2012 during the course of treatment. I.O. was sent for action. On receiving information me HC alongwith constable I Kamaljit Singh no. 992 reached at Gaba Hospital, Yamunanagar where Satbir Singh son of Jaswinder Singh on present who has got recorded his above mentioned statement which is written verbatim and read over and made understood. Who has found his statement to be true after hearing and understanding the same and put his signatures in English, which I verified. From the statement, it is found to be a case of accident by chance due to collision of blue bulls with the bike. No cognizable offence is made out. I HC become busy with the proceedings under section 174 Cr.P.C. The statements have been kept after recording which is to be registered in the daily diary. Sd/- HC Ravi parkash, PS Bilaspur, at 11:30 A.M. Dt. 6.11.2012. The above said statement has been recorded in the daily diary registered.

True Translated copy

Advocate.

- WAN	
-------	--

t H.S. 123

		*3	1701 - D.JES, - Hem No. 4 H.G.P., PKI.
	POST MORTEN	M REPORT	·
in the body of	NAME FATHER'S NAME OR HUSBAND'S NAME CASTE RESIDENCE	CH CARAGES	trol conduct
and	NA NA OTAR	AGE Date 6	LIBUR. 200
acuce brought :	H.C. POUI Malles	Body identified (1)	uscom Pool Sinchola
ince, thana,			langed SIO House
	DATE AND H	OUR OF	RIG 553 Socho
Death	Examination of body	Despatch of matter to Chemical Examine	Applaiding of A
5111113	this		poison or cisease
11:30 Am	3:0c (m)	1015 (81)	THE STATE OF THE S
aptoms observed	Ni Por Porling Paper	Contraction of the same	+
occupation furnished Police	ए वर्ष के ते लगे।	FALSE SEPTIME OF PRINCE	
D The Medical	Officer will observe the state of the		

fill observe the state of all the organs and when he finds no disease or injury, he should write in the appropriate place the word "Healthy".

L EXTERNAL APPEARANCE

Length of body	6-7"		
Mark of ligature on neck and dis- section, etc.			
Condition of subject A Stout, emaciated, decomposed, etc. clothing	a reactly Builton Stort in	It made uso	color forema
Wounds, bruises position, size, tenure	of Body	and shy 4	po and which

22 of 37

DS/Y Wheel Day Blood devide Gov on Con	CRANIM NUSSINAL & CALL	
N.B.—The Spinal Cord nee	ed not be examined unless any indication of discate	
on Dissoction	luego Autan	ŀ
at (i) a lea	Jakon Wales	
Scalp, skull and rertebrae	M STOH 6. Membring spilar to a	
Part Della	Movement & country on	
of Co	SALL STUBER RELEVENTED BURGE	
Walls, ribs and cartilages		
Plourse)	
	- wild sower 100.	
Larynx and trachese	Healthy	
Right lung	1 T 19 m.	
	A townside	
Left lung	(* figy	
	P. CH. W. T.	
Pericardium		
Heart		
Large vessels		
		•

これのこれを動きを表すいたというとも、そのできるのできるのであると

DS1 32	
Pulso	
Peritoneum	
Mouth, Pharynx and Oesophagus	flecoably
Stomach and its contents	
Small intestines and their contents	
Large intestines and their contents	TOTAGE *
Liver	Howelly Mini auganame
Spicen	
Kidneys	
Bladder	- Ushoo Dui
Organs of generation lexternal and Internal	Pool

•

Injury	- a Chenco Deformity			
Alverdy				
descai/ba				
The COUND	IARKS BY MEDICAL	OFFICER HUS	coup	
		1- Hoad	Juditly 123	
its Edusom	MALLOW (SW	cition supp	of though	
Comb Door	my Contony	me car	mo a	
ME . autom	ου «) γι γους»	of to moiorie	an one	;
Manney DN	Juay corp	MOD Mean	voorprob	· •
`	A mental of the second of the			
ane that elapsed –	Valuicy	by		
is found	, n.ll. C	on Gilon	A	1
bet seen death macusem	<u> </u>	*	जिला यमुनानगर	*)
ABSTRACTO	F CHEMICAL BX AM DV 991 - O PO IN	INER'S REPORT		
•	- C) . 1 .	ماما مامام	cours	
AIA	or orduel	my DME		
(2) A (do	epay cay pr	nd	· A	4
MENTLES (3 Pallie	o Response	Body cycle NY DMG 1 R -56 dwely	, sign by my	
OLA.	i			
	Tour COPY	Jappan Jedon Jos-10-201		- } -
::: P37019	25 94 ::::::: Daw@ll/A	12010UY 1201011-06-10-201	6 19:18:57 ···	(A) (A)
	n Back	rotative		

Form no. 5

(See Rule 8)

DEATH CERTIFICATE

GOVERNMENT OF HARYANA

HEALTH DEPARTMENT

Birth certificate issued under section 17 of Registration of Births & Deaths Act, 1969.

This is to certify that the following information is an extract from the Death recorded in the register of Local Municipal Corporation Yamunag Tehsil Jagadhri, District Yamunanagar Haryana State.

Name: JASWINDER SINGH Male/Female: . Male

Date of Death : 6.11.2012

Place of Death: Gaba Hospital, Yamuanagar.

Father's name Gurmail Singh

Permanent address Ward No. 1 Kacha Killa, Sadhora, Yamunanagar.

Date of Death In Words: Six November Two thousand twelve

Dated: 19.11.2012 Signed and Stamp of the issuing authority

Registrar, Birth Death & Executive officer,
Municipal Corporation, Yamunanagar at

Jagadhri.

This document is certified to be true under section 76 of the Indian Evidence Act.

True Translation

Noveen Jeglan

Advocate.

26 of 37

::: P3701994 ::: ::: Downloaded on - 06-10-2016 19:18:57 :::

To

- 3. Chief Secretary , Govt. of Haryana.
- The Financial Commissioner & Principal Secretary to Govt. Haryana,
 Department of Forests & Wild Life.
 Haryana Civil Secretariat, Chandigarh.
- 3. Deputy Commissioner, Yamunanagar.

Subject:- Justice demand notice/Representation. Sir(s),

The applicants are legal heirs of deceased Jaswinder Singh and entitled to approach your good self for redressal of their grievances. The applicant no. 1 is widow of deceased Jaswinder Singh and applicant no. 1 and 2 are the sons of the deceased. The grievance of the applicants is as under:-

1. That on 4.11.2012 at about 5/5.30 p.m. the applicant Satbir Singh alongwith his deceased father were going to their house at Sadhora from their fields at Kalpurikalan by riding motor cycle no. HR71-0823, the applicant Satbir was driving the motor cycle whereas the deceased was pillion rider. When they reached at Kurali Bus Stop on Sadhora Billaspur road then all of sudden a group of blue bulls (Nilgains) came on the road from east side and collapse with their bike as a consequence of which the applicant Satbir Singh alongwith his deceased father fell down on the road and suffered various injuries and as a result of which became unconscious and the blue bulls passed

over their bodies. The injured were taken by the passerby in ambulance at Sadhora Civil Hospital and thereafter they were referred to Troma Centre Yamunanagar, to get best treatment. The applicant and his father were got admission in Gauba Hospital by the mama of the applicant namely Brahm Pal. But unfortunately the father of the applicant had died as a result of injuries suffered by him in the above mentioned accident.

- 2. That the matter was reported to the office incharge of the police station of Bilaspur District Yamunanagar and Head constable Ravi Parkash after verification found the same to be a case of accident because of the sudden appearance of the blue bulls and reported that no cognizable offence is found to be committed. The copy of police report, post mortem report, death certificate and Ration Card are attached herewith as Annexure A-1 to A-4 respectively.
- 3. That the blue bulls (Nilgain) are protected animals and no one can cause any harm to these animals because the same is punishable offence and further it is the duty of the State to protect these animals.
- 4. That you are must be aware that numbers of accidents are taking place at the road because of sudden appearance of these blue bulls on the roads and there is no measure taken by the State to ensure the safety of its citizens on the roads.
- 5. That it is the duty of the State to protect these animals and also to protect its citizens. It is also true that in roadside accidents because of sudden appearance of the blue bulls, the blue bulls

26 nd apart

also suffers injuries and some time died at the spot and apart from this these blue bulls cause harm to the crops of farmers and now a days they population is increasing day by day and there is no control of the State on these blue bulls.

- 6. That once these animals have been shown as protected animals under the schedule appended to the concerned wife life act, the wild life should take appropriate steps to ensure the safety of these animals and the safety of the public on the roads. Had there been steps taken by the State to protect these animals and to keep them away from the roads, the applicant and his father would not have collapsed with these animals.
- 7. That the Constitution of India guarantees various fundamental rights to the citizens of India among them Article 21 provides right to life and personal liberty, the inaction and omission on the part of State not providing safety measures to the citizens against the sudden appearance of animals on the roads and causing accidents violates Article 21 of the Constitution of India and for this State is liable to compensate the applicant and his family.
- 8. That the whole family was dependent upon the deceased Jaswinder Singh and after his death they have no means of livelihood and they are unable to survive comfortably.
- 9. That, however the death of Jaswinder Singh cannot be compensated in any manner and the life of the applicants which is distracked cannot be brought ante but still the compensation

if any is provided to the applicants would be a great help for the survival of the applicants. Since a great loss has been caused to the applicant because of inaction and omission on the part of State, the State is duty bound to compensated the applicant with appropriate amount which in the opinion of applicant comes to Rs. 20 lacs.

10. That another aspect which should not be left is that the State should ensure appropriate measure for the safety of its citizens on the road, the state should protect the animals and should take steps to keep them away from the roads.

It is, therefore, most respectfully prayed that the applicants be awarded a compensation of Rs. 20 lacs and one government job in the family, failing which the applicants shall be constrained to file appropriate suit/writ before the court of competent jurisdiction for which you all shall be jointly and severally liable for the damages and cost of litigation suffered by the applicants. Please decide this representation/notice within a period of three months from the date of receiving it.

Date: 12.2.2013

Applicants.

- 1 Satbir Singh son of late Sh. Jaswinder Singh.
- Gurmit Singh son of late Sh. Jaswinder Singh;

Sukhdev Kaur widow of late Shri.
 Jaswinder Singh, all residents of Ward
 No. 1, Katcha Killa Road, Sadhora
 Distt. Yamunanagar.

Encls:

- 1. Police Report. (Annexure A-1)
- 2. Post Mortem Report. (Annexure A-2)
- 3. Death Certificate (Annexure A-3)
- 4. Ration Card. (Annexure A-4)

Copy to;

Hon'ble Chief Minister, Government of Haryana.

True Typed Copy
Naver Lagor
Advocate.

ORDERS

Sanction is hereby accorded to the following on account of compensation of Sh. Jaswinder Singh having killed by Carnivorous /animals:-

S.	Name &	Name of	No. of	Rate of	Amt. of
no.	Address	person killed	person	Compensation	Compensat
				Ap.	ion
1	Sukhdev	Sh. Jaswinder	1	30,000/-	30,000
	Kaur w/o	Singh s/o		1	•
	Late Sh.	Gurmail Singh		, A	~
	Jaswinder	Ward N. 1		,	•
	Singh	Katcha Killa			
		Road	多 .176	-	**
		Sodhara Distt.	नयते		
		Yamunanagar	•		

(Thirty Thousand only)

sd/-

ACPPF (Wild Life)

Cum-Chief Wildlife Warden,

Haryana, Panchkula.

Endst N. 632-35

Dated 27.5.13

A copy is forwarded to:-

1. Accountant General, Haryana, Chandigarh for information please.

- 2. DWLO, Panchkula w.r.t his letter Endst N. 193 dated 18.04.2011 and letter No. 204 dated 23.04.2013. The Cheque of compensation may be delivered in the presence of village Sarpanch and some other villagers whose signature be obtained on the receipt as witness.
- 3. Sukhdev Kaur w/o Late Sh. Jaswinder Singh Ward No.1, Katcha Killa Road, Sodhara Distt. Yamunanagar.
- 4. IWL, Kalesar for information and necessary action.

DATE- 27.05 2013

sd/-

ACPPF (Wild Life)

Cum-Chief Wildlife Warden, Haryana, Panchkula.

True Copy

Advocate.

VAKALATNAWA

31

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

	In re: CwP- 9865/14
	Sukhder Kaur and others. VERSUS Plaintiff or Defendent Petitioner or Appellant
	State of Halyana and others.] Defendent Respondents
	KNOW ALL the whom these present shall come that I/We, the undersigned appoint Such under Singh Nava, Advate 12-61/2005 #1217 Sec-UPKL mob-9915752311 to be the Advocate for the in the above mentioned case to do the following acts, deeds and things or any of them, that is to say:-
}	 To act, appear, and plead in the above-mentioned case in this Court or any other Court in which the same may be tried or heard in the first instance or in Appeal or Letters Patent Appeal or Review or Revision or Execution or any other stage its progress unit its final decision. To present, sign and verify, Pleading, Appeals, Letters Patent Appeals, Cross objections or petition for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages. To withdraw or compromise the said case or submit to arbitration any differences or disputes, that shall arise touching or in any manner relating to the said case.
	 To deposit, draw and receive moneys as grant receipts thereof by way of costs refund or balance of secrity and other miscellaneous expenses from Courts or parties, and to do all other acts and things which may be necessary to be done for the progress and in the course of prosecution of the said case. To employ any other Legal Practitioner authorising him to exercise the powers and authorities hereby conferred upon the Advocate whenever he may think fit to do so.
	AND I/We hereby agree not to hold the Advocate or his substitute shall do in the premises/proceedings. AND I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequence of his absence from the Court when the said case is called up for hearing or otherwise. AND I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid and if any cost are allowed for an adjournment, the Advocate would be entitled to the same. AND I/We hereby agree that the Advocate will not bound to appear for us if the case is transferred to any other Court or the Court sits at any place other than its normal place of sitting & if any application or Retention is to be filed in the case, the Advocate will be entitled to a fresh fee in the case. IN WITNESS WHERE OF I/We here onto set my/our hands to these presents the contents of which have been explained to and understood by me/us.
	This the day of May 2011
(Sukhunder Singh Naua Sukhunder Singh Naua 3. Ground Sukhunder Singh Naua P-1261/2005 (Signature or thumb impression) Satisfies Singh Naua 2. Satisfies Singh (Signature or thumb impression) (Signature or thumb impression)

-35-

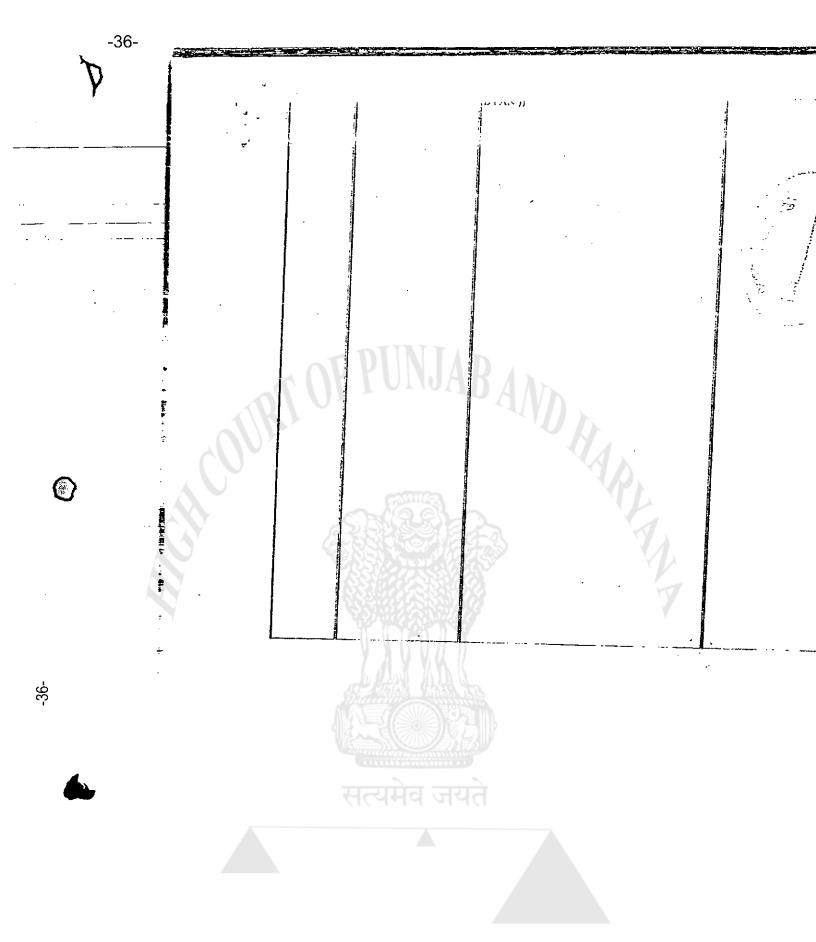
-35-

CIPA-R1.00 99

Police Station:BILASPUR (District:YAMUNA NAGAR)

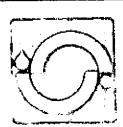
	-;	G.D. Entry Type	Reporting Person
GD No.	G.D. Date & Time	Other GD type(AAMAD TELEPHONE VA	RAVI PARKASHO
10(A)	00	RAVANGI KHUD))	
!	-		
	N N N N N N N N N N N N N N N N N N N		

35 of 37



Annexuael-3

34.



प्ररूप संख्या 5 (देखीए नियम 8) मृत्य प्रमाण पत्र



हरियाणा सरकार स्वास्थ्य विभाग

जन्म और मृत्यु रजिस्ट्रीकरण अधिनियम, 1969, की धारा 17 के अधीन जारी किया गया मृत्यु प्रमाण-पत्र।

यह प्रमाणित किया जाता है कि निम्नलिखित सूचना मृत्यु के मूल रिकार्ड से ली गयी है,जो(स्थानीय तेत्र)

नगर निगम यमुनानगर, तहसील <u>जगाधरी</u>,जिला <u>यमुनानगर,</u> राज्य हरियाणां के रजिस्टर में है।

जसविन्द्र सिंह

लिंग

: पुरूष

।तथि

06/11/2012

रजिस्ट्रेशन संख्या

मृत्य का स्थान

गाबा हरपताल यमुनानगर

रजिस्ट्रेशन तिथि

पिता/पति का नाम

गुरमेल सिंह

स्यायी पता

वार्ड न. 1 कच्चा किला सढ़ौरा यमुनानगंर

मृत्यु तिथि(शब्दों में)

छ नवम्बर दो हजार बारह

19/11/2012 াখি

जारी करने वाले अधिकाशी किंद्धारमुख्य हु मोहर

कार्यकारी अभिकारी नवार निवास

यह उदाहरण भारतीय साक्ष्य अधिनियम सेक्शन 76 के अनुसार अही प्रभागित किया जाता है।

Telle Coly
Navon Jaylan.

Navon Jaylan.

Advocate

::: **P3701994** ::: ::: Downloaded on - 06-10-2016 19:18:57 :::