

Court No. - 40

Case :- WRIT - C No. - 22805 of 2023

Petitioner :- Pujari Lal

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ramesh Chandra Pathak

Counsel for Respondent :- C.S.C.

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Shri Ramesh Chandra Pathak, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the State-respondents.

2. By means of the present writ petition, the petitioner has prayed for the following reliefs:-

"(i) issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 30.08.2022 passed by the respondent no. 3 to the extent of the case of the petitioner by which the respondent no. 3 has rejected the claim of the amount of the insurance of Rs. 5/- Lakhs.

(ii) issue a writ, order or direction in the nature of mandamus commanding the respondent nos. 2 to 5 to pay the amount of insurance of Rs. 5/- lakhs to the petitioner payable under the scheme "Mukhyamantri Krishak Durghatna Kalyan Yojna" as the mother of the petitioner has died due to attack of furious bull."

3. The record in question reflects that the petitioner has wrongly mentioned the date of order impugned as 30.8.2022, which is only a communication. The order impugned by which the claim of the petitioner was negated is 14.8.2022, which was passed by respondent no.2-District Magistrate, Basti.

4. Learned counsel for the petitioner in support of his submission states that the order impugned has been passed merely on the ground that the deceased had no agricultural holdings. In this backdrop, learned counsel for the petitioner has placed reliance on the order dated 11.01.2023 passed by the Division Bench of this Court in **Shailesh Kumar and another Vs. State of U.P. and 3 others**, Writ-C No.24891 of 2022, wherein in the similar facts and circumstances, the order impugned in the aforesaid writ petition was set aside and the respondents were directed to ensure the ex-gratia payment sanctioned in favour of the petitioners therein within a period of three weeks. As such it is submitted that being on similar footing, the petitioner is also entitled for similar indulgence.

5. Considering the aforesaid facts and circumstances of the case, we are of the considered opinion that the impugned order dated 14.08.2022 passed by the respondent No. 2 is per-se unsustainable and the same is set aside. As such, fresh consideration is to be made by the respondent no.2- District Magistrate, Basti in the light of Shailesh Kumar (supra). The aforesaid exercise shall be completed by the respondent No. 2 within a period of six weeks from the date of production of certified copy of this order.

6. With the aforesaid observation and direction, the writ petition stands **allowed**.

Order Date :- 11.12.2023

Rama Kant