

Court No. - 40

Case :- WRIT - C No. - 31900 of 2023

Petitioner :- Rilesh Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Raj Kumar Mishra

Counsel for Respondent :- C.S.C.,Manu Ghildyal

Hon'ble Mahesh Chandra Tripathi,J.

Hon'ble Prashant Kumar,J.

1. Heard Sri Raj Kumar Mishra, learned counsel for the petitioner; Sri R.M.Upadhyay, learned Additional Chief Standing Counsel for the State-respondent and Sri Manu Ghildyal, learned counsel for the respondent no. 3/Electricity Department.

2. The present writ petition has been preferred seeking following principal reliefs.

"i) Issue a writ, order or direction in the nature of certiorari quashing the order impugned dated 24.7.2023 passed by the Collector, Etawah in Case no. 1058 of 2021 (Annexure No. 1 to the writ petition).

ii) Issue a writ, order or direction in the nature of mandamus commanding the respondent to decide the claim of the petitioner afresh within stipulated period in accordance with law."

3. At the very outset, learned counsel for the petitioner states that he is not pressing the first relief.

4. Learned counsel for the petitioner submits that buffalo of the petitioner died on 3.8.2017 due to electric current. Accordingly, he moved an application to the contesting-respondent for ex-gratia payment. Once no reprieve is accorded, he filed a case before the Collector Etawah on 30.9.2021 under Section 6 of Public Liability Insurance Act. The same has been entertained and the Collector Etawah vide order dated 24.7.2023 has directed the respondent-Corporation to accord ex-gratia payment to the petitioner within 30 days. He submits that no actual reprieve is accorded to the petitioner till date in spite of the aforesaid order.

4. Considering the facts and circumstances of the case, no useful purpose would be served in keeping the writ petition pending consideration and on consent, the writ petition stands ***disposed of*** asking the third respondent to take a final call in the matter in the light of the order dated 24.7.2023 passed by Collector Etawah expeditiously and preferably within three weeks from the date of production of a certified copy of this order.

Order Date :- 28.11.2023

A.K.Srivastava