

Court No. - 40

Case :- WRIT - C No. - 31862 of 2023

Petitioner :- Ram Chandra Yadav

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

Counsel for Petitioner :- Amit Kumar Sinha, Deepali Srivastava Sinha

Counsel for Respondent :- CSC, Pawan Kumar Singh, Vipul Kumar

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Sri Kartikey, Advocate holding brief of Sri Amit Kumar Sinha, learned counsel for the petitioner, Ms. Uttara Bahuguna, learned Additional Chief Standing Counsel for the State respondents and Sri Vipul Kumar, learned counsel for respondent no.3.
2. By means of present writ petition the petitioner has prayed for mandamus commanding the respondent no.2 to decide the appeal/objections dated 21.02.2023 of the petitioner, which was registered in Dak Register at Serial No.8531 on 01.03.2023 pending before him expeditiously within a stipulated period.
3. Facts in brief are that Smt. Anaro Devi wife of the petitioner died in road mishap on 06.09.2017 and for the aforesaid incident an F.I.R. was also lodged on 06.09.2017 as Case Crime No.0797 of 2017, under Sections 279, 337, 338, 304-A I.P.C., Police Station Handia, District Prayagraj. Subsequently, the petitioner applied for grant of *ex-gratia* payment under Mukhyamantri Kishan Evan Sarvhit Bima Yojna on the ground that admittedly the income of the family was below rupees seventy five thousand per annum and as per postmortem report the deceased was 47 years of age at the time of death.
4. Learned counsel for the petitioner submits that the claim of the petitioner was sustainable in view of the scheme in question but in most arbitrary manner the said claim was rejected vide order dated 04.07.2018. He further submits that the petitioner has already filed a review of the said order, which is pending before the District Review Committee/ District Magistrate-C.R.O. Prayagraj.
5. Learned Standing Counsel has no objection to the aforesaid prayer and very fairly submits that, in case, any such review is pending, the same would be decided by the concerned authorities.
6. In this backdrop, learned counsel for Insurance Company states that at the stage of deciding the review application an opportunity may also be extended to the Insurance Company to file objection in the said proceeding.

7. Considering the facts and circumstances, we are of the view that no useful purpose would be served in keeping the present writ petition pending, hence, the same is ***disposed of*** finally, without expressing any opinion on the merits of the issue, with a direction to the second respondent i.e. District Review Committee/ District Magistrate-C.R.O. Prayagraj to take a final call in matter expeditiously, as per law preferably within a period of six weeks from the date of production of a certified copy of this order but certainly after affording opportunity to the Insurance Company.

Order Date :- 2.11.2023

S.P.