

Court No. - 4

Case :- CONTEMPT APPLICATION (CIVIL) No. - 3087 of 2023

Applicant :- Ashok Kumar

Opposite Party :- Nitish Kumar, D.M. / Collector, Ayodhya

Counsel for Applicant :- Sudhakar Mishra

Hon'ble Rajesh Singh Chauhan,J.

1. Heard learned counsel for the petitioner and Sri Mohit Jauhari, learned Standing Counsel for the opposite party.

2. Attention has been drawn towards order of the Writ Court dated 06.04.2023 (Annexure No.2) passed in Writ-C No.2692 of 2023, which reads as under:-

"Heard.

The present writ petition has been preferred by the petitioner with the following main prayers:-

"i) Issue a Writ order or direction in the nature of certiorari to quashed the impugned order dated 07.10.2022 passed by District Magistrate Ayodhya, contained as Annexure No.2 to the writ petition,in the interest of justice.

ii) Issue a Writ order or direction in the nature of mandamus commanding the Opposite parties specially the Opposite party no.2 to 4 to consider the claim of the Petitioner and make the payment of insurance claim (sum of Rs. 5 Lakhs) on the death of his father, under the scheme of Mukhya Mantri Kisan Evam Sarvhit Beema Yojna, to the Petitioner, in the interest of justice."

The case of the petitioner is that the father of the petitioner expired on 13.04.2020 and the petitioner is entitled for the compensation under the Mukhyamantri Krishak Durghatana Kalyan Yojana, 2020. The petitioner has applied his claim on 04.02.2021, which was rejected by District Magistrate vide impugned order dated 07.10.2022 on the ground that the claim is time barred.

Learned counsel for the State has submitted that there is no illegality in the order passed by District Magistrate.

After hearing learned counsel for the parties and going through the record of the case, we find that a Division Bench of this Court has passed a final order dated 16.03.2022 in Writ C No.1591 of 2022; Pushpa Vs. State of U.P. through its Secretary, Revenue Department and another taking into consideration the order of Hon'ble the Supreme Court in Suo Motu Writ Petition (C) No.3 of 2020 (In Re: Cognizance for Extension of Limitation)

and another writ petition filed in public interest bearing No.564 of 2020 by this Court and based thereon it held that the period from March 15, 2020 till February 28, 2022 was to be excluded for computing the period of limitation provided for various proceedings. Based on it, considering the fact that scheme at hand provides for maximum period of 75 days for filing any application but the fact remains that period of delay on account of Covid-19 pandemic in filing application by the said petitioner has to be excluded, it quashed the order of the concerned authority dismissing the claim on the ground of limitation/delay and ordered for consideration of the application treating it to be within time. We are of the opinion that the petitioner being similarly situated is entitled to the benefit to the said order dated 16.03.2022 passed in Writ C No.1591 of 2022 as the father of the petitioner expired on 13.04.2020 i.e., during the covid-19 pandemic and the period which has to be excluded in terms of the Division Bench judgement referred herein-above, therefore, the claim which was filed on 04.02.2021 has to be treated as within time, therefore, in this case also the impugned order rejecting the claim on account of delay/limitation cannot be sustained and is quashed.

The District Magistrate is directed to consider the claim for payment of compensation under the scheme in accordance with law afresh treating the application of the petitioner to be within time.

The writ petition is allowed."

3. Sri Mohit Jauhari, learned Standing Counsel has submitted that in compliance of the aforesaid order, the District Magistrate, Ayodhya has passed the order dated 30.09.2023 allowing the representation of the petitioner taking decision that the petitioner shall be paid amount of compensation in terms of order of the Writ Court. The copy of order dated 30.09.2023 has been provided to the Court, which is taken on record, and copy thereof has also been provided to the learned counsel for the petitioner today in the Court.

4. However, learned counsel for the petitioner has stated that more than one month period has passed after passing the order dated 30.09.2023 but no amount has been credited in the account of the petitioner.

5. On that, Sri Mohit Jauhari, learned Standing Counsel, on the basis of instructions, has stated that the amount in question shall be credited in the account of the petitioner at the earliest.

6. Be that as it may, since the order dated 30.09.2023 has been passed by the District Magistrate, Ayodhya for payment of the amount of compensation, however, the amount has not been credited in the account of the petitioner, therefore, there is no purpose to keep this contempt petition pending any longer.

7. Accordingly, the instant contempt petition is ***dismissed***.

8. Notice, if any, stands discharged.

9. However, it is expected that the amount of compensation in terms of order of the Writ Court shall be credited in the account of the petitioner within a period of one month i.e. on or before 02.12.2023, failing which, the liberty is given to the petitioner to file appropriate application for revival of this contempt petition and if such application is filed mentioning that the amount of compensation has not been credited in the account of the petitioner within the aforesaid period, this contempt petition shall be revived and in that case any coercive order may be passed against the opposite party under the Contempt of Courts Act.

[Rajesh Singh Chauhan,J.]

Order Date :- 3.11.2023

Suresh/