

Court No. - 3

Case :- WRIT - C No. - 8824 of 2023

Petitioner :- Anita Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.
Civil Sectt. Lko. Another

Counsel for Petitioner :- K.K. Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the parties.

The present writ petition has been filed for quashing of the order dated 16.12.2021 passed by the District Review Committee headed by the District Magistrate, Ambedkar Nagar, rejecting the claim of the petitioner under the "*Mukhyamantri Krishak Durghatna Kalyan Yojana*", solely on the ground that the petitioner along with the application has not enclosed either the copy of the post mortem report or the Panchnama.

Learned counsel for the petitioner has submitted that husband of the petitioner had died on 01.07.2021 in a road accident. The petitioner moved an application under the scheme mentioned above but the claim was rejected whereas the charge sheet has been filed in the F.I.R. No.0405 of 2021, under Sections 279,338 and 304-A I.P.C., P.S. Gosaiganj, District Sultanpur against the driver of the vehicle; meaning thereby that the death was due to accident and no further proof is required for the benefit of the scheme as mentioned above.

It is true that as per the provisions of the said scheme, it is necessary for the petitioner to annexe the post-mortem report along with application for compensation, and the purpose of same for avoiding the false and fake claims made by any applicant and also for proving that the deceased had died due to the accident or not. In the instant case, an F.I.R. 0405 of 2021 was lodged and the Police after investigation filed the charge sheet against the Driver of the vehicle which is sufficient to prove that the death was caused due to road accident therefore, the question of proving the cause of death does not arise. In that view of the matter, the demand of post-mortem report and rejection of claim of the petitioner is not justified. As noticed above, since the death has taken place due to the road accident and the application as per the scheme, had been filed within the

time, therefore, only because of some technical reason, the application of the petitioner for compensation cannot be rejected.

Accordingly, we quash the impugned order dated 16.12.2021 (Annexure No.1) and direct the opposite parties to pay the admissible compensation/insurance to the petitioner within six weeks from the date of production of a certified copy of this order by the petitioner, if there is no other legal impediment.

With the aforesaid observation and direction, this writ petition is **allowed**.

(Manish Kumar, J.) (Vivek Chaudhary, J.)

Order Date :- 12.10.2023

Arjun/-