Court No. - 3

Case :- WRIT - C No. - 8958 of 2023

Petitioner :- Binda Dei
Respondent :- State Of U.P. Thru. Commissioner And Secy. Board Revenue Lko And Others
Counsel for Petitioner :- Janendra Kumar Verma
Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.
Hon'ble Manish Kumar,J.

1. Heard learned counsel for petitioner and learned Standing Counsel for the State.

2. A Division Bench of this Court in Writ-C No.1591 of 2022 (Puspha Vs. State of U.P. through its Secretary, Revenue Department and another) has passed the following order:-

"CORAM : HON'BLE RAJESH BINDAL, CHIEF JUSTICE
HON'BLE JASPREET SINGH, JUDGE
ORDER

1. The order dated November 26, 2021 passed by Authorised Officer (Land Records) on behalf of the District Magistrate, Ambedkarnagar has been impugned in the present writ petition.

2. Vide aforesaid order, the claim of the petitioner for payment of compensation on account of death of his son under the Chief Minister Farmer Accident Welfare Scheme, 2020 (hereinafter referred to as 'the Scheme') was rejected on the ground that the application was filed beyond the time provided for in the Scheme.

3. It is claimed that the son of the petitioner died on March 7, 2021 on account of road accident. The application was filed for payment of compensation in terms of the Scheme. However, the same was rejected vide impugned order dated November 26, 2021 on the ground that it was filed beyond the maximum period of 75 days provided for filing such application.

4. We find the impugned order to be totally illegal if considered in the light of the order dated January 10, 2022 passed by Hon'ble the Supreme Court in Misc. Application No.21 of 2022 filed in Suo Motu Writ Petition (C) No.3 of 2020 (In Re: Cognizance for Extension of Limitation) and the order of this

Court dated January 11, 2022 passed in Public Interest Litigation (PIL) No.564 of 2020 in terms of which period from March 15, 2020 till February 28, 2022 was directed to be excluded for computing the period of limitation provided under the Statutes. In the case in hand, the Scheme provides for maximum period of 75 days for filing any application. However, the fact remains that the period of delay on account of Covid-19 pandemic in filing application by the petitioner claiming compensation has to be excluded for calculation of limitation.

5. Considering the aforesaid facts, the impugned order passed by the authority concerned deserves to be set aside.

6. Ordered accordingly.

7. The matter is remanded back for fresh consideration treating the application of the petitioner to have been filed within the period of limitation provided under the Scheme."

3. In this case also, the claim of the petitioner has been rejected on the ground of limitation, whereas death of the husband of the petitioner had occurred during Covid-19 Pandemic, therefore, we dispose of this petition in the light of the Division Bench judgment as quoted herein-above.

4. Impugned order dated 15.9.2022 is quashed.

5. The District Magistrate, District- Raebareli is directed to reconsider the matter on merits.

6. In view of the aforesaid, the instant petition stands ***disposed of***.

[Manish Kumar,J.] [Vivek Chaudhary,J.]

Order Date :- 16.10.2023
Sachin

Digitally signed by :-
SACHIN MEHROTRA
High Court of Judicature at Allahabad,
Lucknow Bench