

Court No. - 3

Case :- WRIT - C No. - 9588 of 2023

Petitioner :- Oriental Insurance Compant Limited Thru.

Deputy General Manager In Charge Lko. And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Revenue Deptt.

U.P. Lko. And 4 Others

Counsel for Petitioner :- Sumit Kumar Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vivek Chaudhary,J.

Hon'ble Manish Kumar,J.

Heard learned counsel for the petitioner and Ms Akanksha Dubey, learned brief holder for the State.

For the order proposed to be passed, issuance of notice to opposite party no. 6 is hereby dispensed with.

The present writ petition has been instituted by the insurance company feeling aggrieved against the order passed by the District Magistrate on 24.5.2022 whereby the compensation payable to opposite parties no.4 to 6 under Kisan Evam Sarvhit Bima Yojna scheme, has been allowed.

The opposite party no. 6 had previously approached this Court by means of Writ-C No. 17404 of 2021 which was disposed of on 12.8.2021 directing the competent authority to decide the pending claim within a period of one month from the date of order.

It is in pursuance of the direction issued by this Court in the aforementioned writ petition on 12.8.2021 that the District Magistrate passed the impugned order on 24.5.2022.

The only point urged by learned counsel appearing for the insurance company is to the effect that as per the scheme, all such claims are to be considered by the District Level Committee which is the competent authority. The District Magistrate not having constituted the District Level Committee wherein participation of the representative of the insurance company is also solicited, the impugned order passed without

following the due procedure, therefore, suffers from jurisdictional error.

In other words, it is submitted that the order passed by the District Magistrate even if assumed to be valid, is without any prior notice to the insurance company i.e the petitioner.

The scheme clearly postulates the dispute to be considered by the District Level Committee which is the competent authority, therefore, the exercise of jurisdiction by the District Magistrate exclusively may not be an exercise in the true spirit of the scheme, as such, the impugned order on the ground urged before us, deserves to be set aside on this short point alone.

We accordingly set aside the impugned order dated 24.05.2022 passed by the District Magistrate and remit the matter back to the competent authority i.e. District Level Committee for adjudication of the claim set up by opposite party no. 6 in accordance with law.

The claim of opposite party no. 6 shall be reconsidered and decided by inviting the participation of the insurance company strictly in accordance with the terms of the scheme. This exercise shall be completed not later than a period of two months from today.

The petitioner as well as learned Standing Counsel shall communicate a copy of this order to the District Magistrate concerned without any delay. Needless to say that the claimant shall also be apprised of this order and put to notice.

The writ petition accordingly stands disposed of.

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

Order Date :- 2.11.2023

S. Kumar