Court No. - 3

Case :- WRIT - C No. - 10519 of 2023

Petitioner :- Yashoda
Respondent :- State Of U.P. Thru. Commissioner And Secy. Board Of Revenue Civil Secrt. Lko. And Others
Counsel for Petitioner :- Naresh Singh
Counsel for Respondent :- C.S.C.

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

Heard learned counsel for petitioner and learned Standing Counsel for the State-respondents.

By means of this petition filed under Article 226 of the Constitution of India, the petitioner has challenged the order dated 05.10.2021 passed by the District Magistrate, Sitapur whereby claim of the petitioner under 'Mukhyamantri Krishak Durghatna Kalyan Yojna' has been rejected only on the ground that the petitioner had laid his claim beyond the period of limitation.

It has been argued by learned counsel for petitioner that though along with the application the petitioner had annexed copy of the order dated 10.01.2022 passed by Hon'ble Supreme Court in Suo Motu Writ Petition (C) No.3 of 2020, however, observations made therein have not been taken into consideration by the District Magistrate for condoning the delay, if any, in moving the application seeking claim under the policy.

When we peruse the order dated 05.10.2021 passed by the District Magistrate, Sitapur, which is under challenge herein, what we find is that the said order dated 10.01.2022 passed by Hon'ble Supreme Court which has been annexed as annexure no.10 to the writ petition, has not been taken into consideration and the claim of the petitioner has been rejected only on technical ground of the alleged delay in making the claim.

In fact, 'Mukhyamantri Krishak Durghatna Kalyan Yojna' is a beneficial scheme, premium whereof is paid by the State Government and the said scheme has been launched for benefiting those whose kith and kins lost their life or sustained injuries.

In the aforesaid view of the matter, the order passed by the District Magistrate, Sitapur dated 05.10.2021 is hereby set-aside

and the matter is remitted to the District Magistrate to take decision afresh in light of the order dated 10.01.2022 passed by Hon'ble Supreme Court in Suo Motu Writ Petition (C) No.3 of 2020. The fresh decision under this order shall be taken by the District Magistrate within a period of two months from the date of production of a certified copy of this order.

The decision which may be taken by the District Magistrate shall be communicated to the petitioner as well.

The writ petition is, thus, allowed in the aforesaid terms.

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

Order Date :- 4.12.2023
Ashish

Digitally signed by :-
ASHISH MISHRA
High Court of Judicature at Allahabad,
Lucknow Bench