2026:AHC:208161-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 17047 of 2024

Smt Suman Devi

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pradeep Kumar Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE VIVEK SARAN, J.

1. A personal affidavit has been filed by the District Magistrate, Kaushambi annexing therewith a copy of the rejection order relating to the petitioner's claim under the *Mukhyamantri Krishak Durghatna Kalyan Yojna*. Annexure CA-1 to the personal affidavit filed today shall be treated as the impugned order, as the relief clause challenges this order without annexing it.

2. This writ petition is directed against the order dated 10.02.2022 passed by the District Magistrate, Kaushambi rejecting the petitioner's claim under the *Mukhyamanti Krishak Durghatna Kalyan Yojna* (for short, the Scheme). The petitioner's husband Lalji s/o Deshraj became the victim of a rail accident on 16.09.2020. There is no cavil about the fact that the accident happened as claimed and there is an autopsy report on record. The respondents also do not deny the fact. The claim has primarily been rejected on the ground that under Sections 95 (a) and (b) of the U.P. Revenue Code, 2006 the victim was not recorded as a crop-sharer with his father entitling her to the benefit of the Scheme. It has, therefore, been held that the petitioner's claim founded on her husband's death in a railway accident is not maintainable. Reliance in this connection has been placed on paragraphs-2 and 10 of the Government Order dated 28.02.2020, which govern rights under the Scheme. As we read the scheme, we find that there are various categories of entitlement and most prominent of these, amongst others, is that

carried in paragraph-2 (2) of the Government Order dated 28.02.2020. It reads "खातेदार/सहखातेदार के परिवार के ऐसे कमाऊ सदस्य (Bread winner) जिनकी आजीविका का मुख्य स्रोत खातेदार / सहखातेदार के नाम दर्ज भूमि से होने वाली कृषि आय है।"

3. Here the petitioner's father-in-law Deshraj is a recorded tenure holder in Plot No. 373/0.1140 to the extent of 1/3 share in Village Girdharpur Garhi, Pargana Kara, Tehsil Sirathu, District Kaushambi. It is averred in paragraph no. 9 of the writ petition that petitioner's husband Lalji was a farmer doing farming on land belonging to his father, who was a 70 years old man unable to undertake any kind of farming work by himself. He was dependent upon Lalji for the farming, which was the family's bread winning source. The deceased was the family's principal bread winner.

4. In the counter affidavit, this fact has not been denied to the extent that the petitioner's father owned the holding aforesaid or that he was a 70 years old man.

5. In paragraph no. 11 of counter affidavit, it is said that Deshraj, father of the deceased had two sons, Lalji and Kamlesh Kumar amongst whom Lalji died in the train accident on 16.09.2020. It is then asserted that Deshraj is a co-sharer in Plot No. 1173/0.927 hectare in Village Andawan and Plot No. 373/0.144 hectare in Village Girdharpur. The assertion further goes that Deshraj's share in the said land is 1/3 which works to a figure of 0.138 hectare and that out of such a small holding it was not possible for Deshraj and his two sons to support the family by doing farming. It is next said that the area Naib Tehsildar investigated the matter and it was revealed that the deceased was not included in the category of share cropper, in a certificate recorded for the purpose under Section 95 (a) and 95 (b) of the U.P. Revenue Code, rendering the petitioner ineligible on account of her husband's death.

6. We do not at all agree with the view taken by the respondents. We are of clear opinion under paragraph-2(2) of the Government Order dated 28.02.2020 carrying the *Mukhyamantri Krishak*

Durghatna Kalyan Yojna, the petitioner is eligible to receive compensation as it was her husband according to her case, who was doing farming on his father's land, which the respondents blissfully tell us that it was more than what the petitioner has alleged in paragraph-9 of the writ petition.

7. In the circumstances, this petition succeeds and is **allowed**. The impugned order dated 29.01.2022 is hereby **quashed**. A mandamus is issued to the District Magistrate, Kaushambi to pass appropriate orders, in accordance with our remarks, within a week and take consequential action.

8. The Registrar (Compliance) is directed to communicate this order to the District Magistrate, Kaushambi through learned Chief Judicial Magistrate, Kaushambi within 24 hours next.

October 5, 2026
gp

(Vivek Saran,J.) (J.J. Munir,J.)

Digitally signed by :-
GANESH PRAKASH
High Court of Judicature at Allahabad