



2025:AHC:227949-DB

AFR

Reserved on 21.11.2025

Delivered on 18.12.2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 29414 of 2021

Smt. Gayatri Devi

.....Petitioner(s)

Versus

State Of U P And 4 Others

.....Respondent(s)

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

Court No. - 4

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

(Per: Swarupama Chaturvedi, J.)

1. Heard Sri Vimal Kumar, learned counsel for the petitioner and Ms. Shruti Malviya, learned Brief Holder for the State respondents.

2. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking issuance of an appropriate writ, or direction in the nature of certiorari quashing the impugned order dated 25.08.2021 passed by the respondent no. 3, Additional District Magistrate, Kannauj, whereby the claim of the petitioner under the “Mukhyamantri Krishak Durghatna Kalyan Yojana” has been rejected, and further praying for a direction in the nature of mandamus to the respondent no. 2 to take final decision on application of the petitioner dated 07.09.2021 after calling report in re-enquiry.

3. Brief facts of the case are that the husband of the petitioner, namely Late Vikas Gupta, died on 29.08.2020 in a road accident. In relation thereto, an F.I.R. was lodged on 30.08.2020 after the post-mortem of the deceased. Late Vikas Gupta was a poor farmer, and at the time of his

death, he left behind his aged father, the petitioner (his widow), and three minor children. It is stated that the grandfather and father of the deceased are still alive and the agricultural land continues to be recorded in the name of the grandfather of the deceased. During his lifetime, Late Vikas Gupta was engaged in agricultural work in his village and agriculture was the sole source of livelihood for him and his family.

4. It is a matter of fact that the State Government has brought a welfare scheme known as “Mukhyamantri Krishak Durghatna Kalyan Yojana” to provide financial assistance to the families of farmers who die in accidents. In this regard, the Additional Chief Secretary, Government of Uttar Pradesh, issued a Government Order dated 28.02.2020 laying down the guidelines for extending benefits under the said scheme. Accordingly, after the death of her husband, the petitioner submitted a claim under the aforesaid scheme after completing all required formalities.

5. Learned counsel for the petitioner contends that upon submission of the claim, the concerned authorities called for reports from the Lekhpal, who submitted baseless report without conducting proper enquiry. Thereafter, in an executive meeting chaired by the District Magistrate, Kannauj, a decision was taken to reject the petitioner’s claim on the ground that the deceased was earning his livelihood from a general store/ bangle shop and not from agriculture, so the claim of the petitioner was rejected by the order dated 25.08.2021.

6. Aggrieved by the rejection order, the petitioner submitted representation dated 07.09.2021 before the District Magistrate, Kannauj, stating that it was her brother-in-law, who was working merely as a helper in the general store on a monthly payment of Rs. 2,000/-, whereas her husband was a farmer and was engaged solely in agricultural work.

Learned counsel for the petitioner submits that after getting no response, the petitioner approached this Court by filing the writ petition.

7. Learned counsel further submits that during his lifetime, deceased was doing agricultural work in his village and the main source of his income and also the family is through agricultural work only. It is further submitted that the deceased was very young and the bread earner for his family and due to his sudden death, entire family is suffering from the financial hardship.

8. Learned counsel for the petitioner submitted that the Additional Chief Secretary U.P. Government has issued Government Order dated 28.02.2020 for determination of the guidelines for providing benefits under the scheme of "Mukhyamantri Krishak Durghatna Kalyan Yojana" and present case is fully covered under Clause 2 of the Government Order dated 28.02.2020. Relevant part of the guideline is reproduced below for ready reference:

"Subject: Guidelines for the implementation of the "Chief Minister's Farmer Accident Welfare Scheme" in case of accidental death/disability of farmers in Uttar Pradesh.

The State Government has decided to implement the "Chief Minister's Farmer Accident Welfare Scheme" with the objective of providing social security to the families of farmers in case of accidental death or disability. The following guidelines are being issued for this purpose:

1. This scheme will be effective from September 14, 2019.

2. Eligibility (Definition of Farmer):

This scheme is for farmers residing in Uttar Pradesh who suffer accidental death or disability. A farmer is defined as follows:

(1) Account holder/co-account holder recorded in the revenue records, i.e., the land register (Khatauni).

OR

(2) Earning members of the account holder/co-account holder's family whose primary source of livelihood is agricultural income from the

land registered in the name of the account holder/co-account holder.

OR

(3) Landless individuals who cultivate land obtained on lease or on a sharecropping basis, and whose main source of livelihood is agriculture on such leased or sharecropped land. Lessees include tenant farmers, government lessees, and private lessees.

4. Age:

The farmer's age should be between 18 and 70 years on the date of death/disability.

5. Coverage of the Scheme:

(1) If a farmer suffers accidental death/disability due to fire, flood, lightning, electric shock, snakebite, attack/injury by animals/creatures, drowning in the sea, river, lake, pond, or well, storm, falling from or being crushed by a tree, house collapse, accident involving train/road/aircraft/other vehicles, landslide, earthquake, gas leak, explosion, falling into a sewer chamber, or any other cause, then financial assistance will be provided to the farmer/legal heir(s) under this scheme."

9. Learned counsel for the petitioner submits that on the claim of petitioner the authorities concerned invited reports from the Lekhpal who in his turn without making proper enquiry submitted the false report and on the basis of same report, Executive Meeting headed by the District Magistrate, Kannauj, the decision was taken on 31.07.2021, for rejecting the claim of the petitioner while observing that the source of income of the deceased was from the shop of the general store/ bangle shop and not from the agriculture, hence she is not entitle under the scheme.

10. Learned counsel further submits that from bare perusal of the information order dated 25.08.2021 and the decision taken on 31.07.2021, it is crystal clear that before taking impugned decision no information, explanation or opportunity of hearing has been provided to the petitioner by the committee and also the report of Lekhpal which was relied by the committee in rejecting the claim of the petitioner, was also not provided

to the petitioner, which itself makes the impugned order bad in law due to the violation of principles of natural justice.

11. *Per contra*, learned Standing Counsel for the State respondent submits that the matter was placed before the District Level Committee and the committee has enquired the matter and found that main source of income of deceased was not agriculture but his source of income was money earned from running the general store /bangle shop, whereas petitioner has claimed in writ petition that her husband earned livelihood by carrying agricultural work on the ancestral land of his father, which has been found to be incorrect under the eligibility criteria as specified in sub para 2 of para 2 of M.S.-11/Ek-9-2020-2F/2018 dated February 28, 2020, because the land is mortgaged.

12. Learned counsel for the respondent submits that the petitioner's father-in-law, Sri Hari Om, is alive, but his name is not recorded in the Khatauni. Learned counsel further submits that the name of the deceased's grandfather, Sri Ram Dayal, son of Raghuvar Dayal, is recorded in respect of Gata No. 294, situated at Village Sikandarpur, Pargana Sakrava. As per the stand taken by the respondents in the counter affidavit, the deceased is not eligible for benefits under the scheme, as his grandfather's name appears in the land records and not his own. It is also contended that the land of Raghuvar Dayal, son of Ram Dayal, namely Gata No. 294, situated at Village Sikandarpur, Pargana Sakrava, was mortgaged on 28.04.2011 and a corresponding endorsement was made in the Khatauni.

13. Learned brief holder appearing for the State respondents submits that, under Point No. 11(Ra) of the Government Order dated 28.02.2020, the District Magistrate is not bound to re-examine the matter because it is

specifically provided therein that only if new facts are brought to the notice of the District Magistrate by the applicant or any other person with regard to a decision taken at the district level, a fresh enquiry may be conducted at the discretion of the District Magistrate. After such enquiry, the application is to be decided again by a reasoned order, and in such a situation, the decision of the District Magistrate shall be final and binding. It is further submitted by learned counsel that, in the present case, no new fact has been brought on record which would warrant reconsideration or a fresh enquiry.

14. In rejoinder argument, learned counsel appearing for the petitioner submits that the husband of the petitioner during his lifetime was doing agricultural work and for his livelihood the original source of income is agriculture only. After the death of the main bread earner the petitioner had applied for compensation under scheme of "Mukhyamantri Krishak Durghatna Kalyan Yojna", upon which false report has been submitted by the Tehsildar official with effect that the main source of income of deceased is earning from the general store shop, not by agriculture upon relating on the aforesaid false report the claim of the petitioner has been rejected on 31.03.2021 without any show cause to the petitioner or cross checking the facts mentioned in the report, from another Tehsil official/ authority as provided in Government Order dated 28.02.2020 in point 11(B) as such the claim of petitioner has been rejected illegally without following mandatory procedure, as incorporated in point 11(B) of Government order dated 28.02.2020. The counsel for the petitioner contends that the claim is illegally rejected after relying on the false report, which has wrongly placed petitioner's brother-in-law with her husband, hence her claim is liable to be allowed after re-investigation and the District Magistrate Kannauj is duty bound to direct for re-

investigation and decide same application by passing speaking and reasoned order.

15. We have considered the rival submissions advanced by learned counsel for the parties and perused the material available on record. The principal issue that arises for consideration before this Court is whether the rejection of the petitioner's claim under the "Mukhyamantri Krishak Durghatna Kalyan Yojana" by the District Magistrate, Kannauj, is in accordance with the Government Order dated 28.02.2020 and based on relevant and correct facts, and further whether the authorities were justified in denying the benefit solely on the ground that the alleged report mentions that deceased was working in a shop so not to be considered farmer while the land stood recorded in the name of the deceased's grandfather and the claim is that he was working as farmer and the alleged report wrongly records that he was working in store.

16. Having considered complete facts and circumstances, we find that it is not in dispute that the deceased died in a road accident on 29.08.2020 and that the petitioner is his legally wedded wife. What is under dispute is that the report which is disputed by the petitioner, states that the deceased was working in a store while the deceased was residing in the village and was engaged in agricultural activities along with his family as per petitioner. The submission made by the State in the counter affidavit that the agricultural land is recorded in the name of the deceased's grandfather and not in the name of the deceased himself, and that the authorities presumed that the deceased was earning his livelihood from a general store, is not the ground taken for the rejection of the claim, so this was not the ground on which the petitioner's claim has been rejected in the impugned order.

17. From a perusal of the Government Order dated 28.02.2020, it is evident that the object of the “Mukhyamantri Krishak Durghatna Kalyan Yojana” is to provide financial assistance to the dependents of farmers who die in accidents. The scheme does not make it mandatory that the agricultural land must be recorded in the name of the deceased farmer alone. What is required to be examined is whether the deceased was primarily engaged in agricultural work and whether agriculture was the main source of livelihood for him and his family. In rural set-ups, it is a common practice that land continues to remain recorded in the name of the elder family member, while other members of the family carry on agricultural activities jointly.

18. In the present case, the petitioner has specifically stated that her husband was engaged in agricultural work and that her brother-in-law was working merely as a helper in a general store on a nominal monthly payment. This assertion has not been convincingly rebutted by the respondents by placing any cogent material on record to show that the deceased himself was running a shop or that his primary source of income was non-agricultural. From perusal of Khatauni, it is clear that the land is recorded with name of the grand-father of the deceased and the same land is mortgaged in the Bank of India to which the rejoinder affidavit states that it was mortgaged for purchasing tractor in the year 2011. The report submitted by the Lekhpal, on which reliance has been placed, does not disclose that any proper enquiry was conducted or that statements of villagers or family members were recorded or the same was ever provided to the petitioner.

19. The contention of the respondents that the District Magistrate was not required to reconsider the matter in the absence of new facts also does not inspire confidence. The petitioner, by her representation dated

07.09.2021, had brought to the notice of the authorities relevant facts regarding the nature of work of her brother-in-law and the agricultural occupation of her deceased husband. Such facts were material for determining eligibility under the scheme and ought to have been examined objectively. The mechanical rejection of the claim, without addressing these aspects, reflects non-application of mind.

20. While deciding the issue of compensation, in **Union of India Vs Prabhakaran Vijaya Kumar, (2008) 9 SCC 527**, Supreme Court observed that:

“11. ... Since the provision for compensation in the Railways Act is a beneficial piece of legislation, in our opinion, it should receive a liberal and wider interpretation and not a narrow and technical one. Hence, in our opinion the latter of the abovementioned two interpretations i.e. the one which advances the object of the statute and serves its purpose should be preferred...”

12. ... In other words, beneficial or welfare statutes should be given a liberal and not literal or strict interpretation...”

21. Applying the principle laid down by the Hon’ble Supreme Court that beneficial and welfare schemes must receive a liberal and purposive interpretation so as to advance their object and not defeat it on technical grounds, the petitioner’s claim could not have been rejected in casual manner because from a bare perusal of the guidelines, it is evident that the scheme is intended to protect persons and families who are engaged in farming activities and have agriculture as their main source of livelihood. In the facts of the present case, the land stands recorded in the name of the deceased’s grandfather in the Khatauni, and there is no material on record to show that the deceased, his father, or his wife had any other source of income. The family was dependent upon farming for its survival, particularly in view of the submission made by the petitioner in the rejoinder that the same land was mortgaged with the Bank of India by the

deceased at the time of purchasing a tractor in the year 2011. This fact ought to have been properly examined by the authorities instead of rejecting the petitioner's claim in a casual manner.

22. In view of the above discussion, this Court is of the considered view that the rejection of the petitioner's claim is based on an unduly drawn narrow interpretation of the scheme and merely based on assumptions not supported by proper enquiry, and therefore, the writ petition deserves to be allowed and is hereby **allowed**. The impugned order dated 25.08.2021 passed by the respondent no. 2, District Magistrate, Kannauj, rejecting the petitioner's claim under the "Mukhyamantri Krishak Durghatna Kalyan Yojana" and the information order dated 31.07.2021 issued by respondent no. 3 are hereby quashed. The matter is remanded to the District Magistrate, Kannauj, to reconsider the petitioner's claim afresh in accordance with law and in the light of the observations made hereinabove, after affording an opportunity of hearing to the petitioner and after conducting a proper enquiry, if required. The said exercise shall be completed expeditiously, preferably within a period of eight weeks from the date of production of a certified copy of this order. No order as to costs.

(Swarupama Chaturvedi,J.) (Ajit Kumar,J.)

December 18, 2025

#Vikram/-