

Court No. - 2

Case :- WRIT - C No. - 3766 of 2025

Petitioner :- Shiv Shankar

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

Counsel for Petitioner :- Dinesh Kumar Tiwari, Prabhakar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Om Prakash Shukla, J.

Heard.

Let the petitioner/ Office implead the Superintendent of Police, Sultanpur as also the Additional Chief Secretary/Principal Secretary (Home), Government of U.P. Lucknow as opposite party in the writ petition.

This writ petition has been filed in the year 2025 seeking the following relief:-

"I) issue a writ, order or direction in the nature of Mandamus commanding the respondents particularly respondent No. 1 and 3, the State Authority for the execution of the Recovery Certificate dated 19.10.2011 passed by the court of Additional District Judge, Court No. - 2/Motor Accident Claim Tribunal (MACT), Sultanpur in Miss. Case No. -42 of 2010 related with C.P. 117 of 1981 decided on 17.08.1982; Shiv Sankar and others Vs State of U.P. and others (Annexure No. 1), in the interest of justice."

On 21.05.2025 we had passed the following order:-

"As prayed by learned standing counsel a month's time is granted for ensuring execution of the recovery certificate dated 19.10.2011 issued by the Court of Additional District Judge, Court No. 2/Motor Accident Claim Tribunal (MACT), Sultanpur in Miss. Case No. 42 of 2010 related with C.P. 117 of 1981 decided on 19.08.1982 unless there is any legal impediment.

List on 10.07.2025, as fresh.

If the recovery is not made or cause is not shown before the next date for not executing the recovery certificate, the Collector, Sultanpur join these proceedings through video conferencing on the next date.

Office to provide necessary link for the aforesaid purposes."

Today, Shri Kumar Harsh, District Magistrate, Sultanpur has joined the proceedings through video conferencing.

We asked him as to why and under what circumstances

an award rendered by the Motor Accident Claim Tribunal on 17.08.1982 which stood affirmed on dismissal of the First Appeal From Order on 08.05.1997 by the High Court and the Recovery Certificate in pursuance to which was issued on 19.10.2011, could not be recovered, he submitted that the recovery was to be made from the Superintendent of Police concerned because it was a police vehicle which was involved and this is the reason why the recovery has not been made.

The explanation given on the face of it is not acceptable rather it is highly objectionable. Merely because the vehicle involved in the accident was a police vehicle can hardly be a reason for State Authorities not to comply the award and not to recover and deposit compensation with the MACT, Sultanpur. The amount which was paid in 1982 was Rs.26,400/- with 6% interest per annum which has remained unrecovered till day.

On being asked as to what is the amount due as on date Shri Kumar Harsh, District Magistrate Sultanpur says that it is Rs.27,000/- and odd. When we expressed surprise, as to how, if the award of about Rs.26,400/- was given in 1982 with 6% interest per annum, the due amount as on date could be Rs.27,000/- he says that interest was calculated only from the date of incident till the date of rendering of the award.

We reject this contention of Shri Kumar Harsh, District Magistrate, Sultanpur outrightly. The interest has to be calculated from the date of the award till its actual payment.

Shri Kumar Harsh, District Magistrate, Sultanpur shall depute an Officer to recalculate the due amount and communicate it to the Superintendent of Police, Sultanpur within a period of three days from today. The Superintendent of Police, Sultanpur on the other hand shall remit the amount to the Revenue Officers within the next 15 days failing which the Superintendent of Police, Sultanpur, the Additional Chief Secretary (Home) Govt. of U.P. Lucknow and the District Magistrate, Sultanpur shall appear in person before this Court on the next date.

In addition to the above, they shall also show cause by filing an affidavit as to why exemplary cost for harassing the petitioner by not recovering the due amount under the Recovery Certificate dated 19.10.2011, at least to the extent of Rs.10 lac be not imposed upon them.

List this case on **28.07.2025.**

Shri Manish Mishra, learned Additional Chief Standing Counsel for the State shall communicate this order to the Additional Chief Secretary/ Principal Secretary (Home), Govt. of U.P. Lucknow and the Superintendent of Police, Sultanpur. The District Magistrate, Sultanpur has already heard our order he shall however communicate it to him also.

Let a copy of this order be provided to the learned counsel for the parties today itself on payment of usual charges.

(Om Prakash Shukla,J.) (Rajan Roy,J.)

Order Date :- 10.7.2025
R.K.P.