



2026:AHC:55874-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 2132 of 2026

Lalaram

.....Petitioner(s)

Versus

The State Of U.P. And 2 Others

.....Respondent(s)

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

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE SWARUPAMA CHATURVEDI, J.

1. Heard Mr. Shashi Kumar Mishra, learned counsel appearing for the petitioner and Mr. Pradeepta Kumar Shahi, learned Additional Chief Standing Counsel for the State-respondents.
2. The present writ petition has been filed seeking a direction in the nature of mandamus directing the respondent no.2 to make payment of ex-gratia compensation of Rs. 5 lakhs to the petitioner, which is payable to him under the scheme of "*Mukhya Mantri Krishak Durghatana Kalyan Yojna*" due to the death of the petitioner's brother.
3. The undisputed fact is that the petitioner's brother, Ram Singh, aged about 50 years, died on 27.07.2021 due to snake bite, which was sustained while he was irrigating his agricultural field. The incident was promptly recorded in the police records vide G.D. No. 61 dated 27.07.2021, and the deceased was immediately taken to Community Health Centre, Dibiyapur, District Auraiya, where he was found unconscious due to the snake bite.
4. The inquest report was conducted on the same day wherein the witnesses opined that the death had occurred due to snake bite during agricultural activity. Subsequently, postmortem examination was carried out on 28.07.2021 at about 1:30 p.m., wherein the cause of death was recorded as septicemia due to infection and the viscera was preserved. The details of the meeting of District Level

Committee dated 06.12.2021, reflects the pendency of the application and the viscera preserved.

5. The petitioner thereafter submitted representations dated 09.05.2022 and 13.06.2023 before the competent authorities, placing reliance upon Government Orders dated 28.02.2020 and 08.07.2021, which provide that the claim cannot be delayed for want of viscera report and that financial assistance is to be released expeditiously. Despite the same, the compensation amount has not been released till date.
6. Learned counsel for the petitioner submits that the action of the respondent authorities in withholding the compensation is arbitrary, illegal and contrary to the order of the government dated 08.07.2021. It is contended that the Government Orders dated 08.07.2021 clearly stipulate that non-receipt of viscera report cannot be a reason to delay the claim in the facts of this case and that the authorities are required to decide the matter on the basis of the inquest report and other available documents specified in the Government Orders dated 08.07.2021.
7. Learned counsel places reliance upon the judgments of the Division Bench of this Court in ***Om Prakash vs. State of U.P. & others* [2022 (8) ADJ 260 (DB)]**, and ***Kishori vs. State of U.P. & others*, 2026 SCCOnline All 546**. Learned counsel referred to paragraph 13 of the judgement in ***Kishori (supra)***, to demonstrate the non-requirement of the viscera in case of death due to snake bite as per government order dated 08.07.2021, which is reproduced below for easy reference:

“13. ...For convenience and clarity, complete letter is reproduced below:

“Very important

No.-157/A-11-2020-04(G)/2015-TC

*From,
Manoj Kumar Singh,
Additional Chief Secretary,
Government of Uttar Pradesh.*

To,
All District Magistrates,
Uttar Pradesh.
Revenue Section-11 Lucknow: Date: July 08, 2021

Subject:- Regarding the grant of ex-gratia assistance to the dependents of persons who have died due to snakebite.

Sir,

1. In the above mentioned Government notification No. U.O.-20/Ek-11-2018-4(G)/2015 dated 02.08.2018, snakebite has been declared a State disaster, and it is provided that, in the event of death due to snakebite, ex-gratia assistance of Rs. 4.00 lakh shall be granted to the dependents of each deceased person.

2. It has come to the notice of the Government that, for the purpose of certifying death due to snakebite, the viscera of the deceased is sent to a forensic laboratory for examination, and during the pendency of the viscera examination report, ex-gratia assistance is not made available in a timely manner to the dependents of the deceased. As per the opinion of the State Forensic Legal Cell, there is no justification for insisting upon a viscera examination report in cases of snakebite, and it has been informed that death due to snakebite is not established solely on the basis of a viscera examination report.

3. In pursuance of the advice of the State Medico Legal Cell, and upon due consideration, it has been decided that, in cases of death due to snakebite, since the viscera examination report has no relevance, the following procedure shall be followed for the purpose of providing ex-gratia assistance to the dependents of the deceased:

(1) A Panchnama of the deceased should be prepared.

(2) A post-mortem examination of the deceased should be conducted.

(3) There is no need to preserve the viscera report of the deceased after post-mortem.

(4) In case of death due to snake bite, ex gratia assistance shall be provided to the dependents of the deceased within a maximum period of 7 days.

4. Accordingly, I am directed to state that, in cases of death due to snakebite, while strictly adhering to the procedure mentioned above, all matters relating to the grant of ex-gratia assistance to the dependents of the deceased shall be endeavoured to be disposed of within a period of 7 days.

Yours truly

*(Manoj Kumar Singh)
Additional Chief Secretary."
(Letter originally in Hindi)"*

8. Learned counsel for the petitioner further submits that the issue is squarely covered by the judgment of this Court in ***Kishori (supra)***, wherein it has been held as follows:

“21 After careful consideration of the submissions made by the learned counsel for the parties and upon perusal of the records, it is evident that the government notification dated 02.08.2018 clearly recognizes death due to snake bite as a circumstance entitling the dependents of the deceased to ex gratia relief. It is also apparent that the notification dated 02.08.2018 is a State-specific policy intended to aid in cases of disasters or calamities which are not included for relief under other policies. The said notification, therefore, contemplates relief to families affected by specific local contingencies, including death due to snake bite.

22. The subsequent government notification dated 08.07.2021 specifically addresses circumstances where dependents of a deceased person who died due to snake bite were being denied or delayed ex gratia relief on technical grounds, particularly due to the non-availability of viscera reports. The notification explicitly clarifies that the absence of a viscera report shall not be a ground to reject the claim and instructs the District Magistrates across the State to ensure timely disbursement of ex gratia relief, preferably within seven days...”

9. Learned Additional Chief Standing Counsel submits that the viscera report has not yet been received and, therefore, the same could not be produced before this Court, for which the counsel appearing for the State prayed for and was granted time by this court in its order dated 09.02.2026 in this case. It is, however, not disputed by the learned counsel that the claim of the petitioner has been kept

pending and viscera is preserved.

10. In light of the undisputed factual backdrop and the rival submissions advanced by learned counsel for the parties, the principal issue that arises for consideration before this Court is whether the respondents are justified in delaying the petitioner's claim for compensation under the applicable Government welfare scheme, despite the existence of an inquest report and other contemporaneous material indicating death due to snake bite, and in the face of Government Orders dated 08.07.2021, which directs that the authorities shall endeavor to release the compensation to the dependents within seven days.
11. After considering the rival submissions and perusing the records, this Court finds that the facts relating to the death of the petitioner's brother are not in dispute. The inquest report clearly attributes the cause of death to snake bite, which is further supported by the immediate medical record noting the condition of the deceased at the time of admission. The only reason assigned by the authorities for not deciding the claim appears to be the non-receipt of the viscera report.
12. This Court finds that such a reason for delay in deciding the compensation under the scheme is wholly untenable in view of the Government Orders governing the field. The Government Order dated 28.02.2020 categorically provides that a claim cannot be rejected for want of viscera report, and the subsequent Government Order dated 08.07.2021 further clarifies that preservation of viscera is not a necessary requirement and mandates expeditious disbursement of financial assistance.
13. This court in ***Kishori (supra)*** has clearly held that insistence upon viscera report is unwarranted. The beneficial schemes must be implemented in a manner that advances their object rather than frustrates due to technical reasons. The approach adopted by the respondents in the present case, in keeping the claim pending indefinitely, runs contrary to the very purpose of the scheme, which

is to provide immediate financial assistance to the bereaved family.

14. In the considered opinion of this Court, once the cause of death stands sufficiently established on the basis of inquest report and other material on record, the delay in deciding the application for the compensation is legally unsustainable.
15. Accordingly, the writ petition is **disposed of** and respondent no.2, District Magistrate is directed to decide afresh ignoring the absence of viscera report, the pending application of the petitioner regarding the *ex-gratia* compensation within a period of six weeks from the date of presentation of certified copy of this order under the applicable scheme strictly in accordance with law. No order as to costs.

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

March 18, 2026

Shiv