



2026:AHC:68343-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 12145 of 2026

Kusum Kumari

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Durga Kumari, Praveen Kumar Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 40

**HON'BLE SARAL SRIVASTAVA, J.
HON'BLE GARIMA PRASHAD, J.**

1. Heard learned counsel for the petitioner and Mr. R.K. Pal, learned Standing Counsel for the respondents.

2. The petitioner, by means of the present writ petition, has prayed for the following relief:-

"1. To issue writ, order or direction in the nature of certiorari quashing impugned order dated 22.4.2022 passed by the District Magistrate Prayagraj (Annexure No.1) to the writ petition.

2. Issue a writ, order or direction in the nature of mandamus to provide the compensation under the Scheme of Mukhyamantri Durghatana Kalyan Yojana on his application 15.12.2021 Annexure No.4 to the writ petition..."

3. By the impugned order dated 22.5.2022, the claim of the petitioner for grant of compensation under the Mukhyamantri Durghatana Kalyan Yojana (hereinafter referred to as "the Scheme") on account of the death of her husband, Shera, has been rejected on the ground that the deceased was not an agriculturist.

4. Learned counsel for the petitioner submits that the impugned order is perverse and suffers from complete non-application of mind. It is contended that the petitioner had furnished adequate material demonstrating that the deceased was engaged in agricultural activities as a share-cropper (Bataidar).

5. Reliance is placed on the Government circular dated 28.02.2020, which defines "farmer" to include landless persons engaged in agricultural activities, including share-cropping. The circular further provides that

identification of such share-croppers may be established through certificates issued by the landowner or, in appropriate cases, by the Gram Pradhan and Lekhpal.

6. Learned counsel for the petitioner submits that the petitioner had produced the affidavit of one Gulab Devi wife of Nebbu Lal who had given her land in Gata No.00326 to the deceased as share-cropper (Bataidar) in the crop year of the accident. Further, the Village Pradhan has also certified that the deceased was doing agricultural activities as share-cropper (Bataidar). It is, therefore, submitted that the respondents have wrongly denied the claim for compensation without considering the circular dated 28.02.2020 issued by the State Government.

7. Per contra, learned Standing Counsel submits that as per the report of the Lekhpal, the deceased was not engaged in agricultural activities. It is argued that the competent authority considered the report and passed a reasoned order rejecting the claim.

8. We have considered the submissions of the learned counsels for the parties and perused the record.

9. The circular dated 28.02.2020, which lays down the guidelines for implementation of the Scheme, prescribes the eligibility criteria, and defines the term "farmer" in Clause 2, including landless persons engaged as share-croppers under Clause 2(3), as under:-

"2. Eligibility (Definition of a Farmer)-

The scheme is intended for such farmers who are residents of Uttar Pradesh and who suffer accidental death or disability. The term "Farmer" refers to the following:

...(3) Landless individuals who engage in agricultural activities on land obtained through a lease or on a share-cropping basis, and whose primary means of livelihood consists of such agricultural work performed on the land so leased or taken on a share-cropping basis. The term 'lessee' shall include Asami lessees, government lessees, and private lessees."

10. The documents required for establishing the status of a lessee or share-cropper are specified in paragraph 3(b) of the circular dated 28.02.2020, which reads as under:-

"3. Identification of Lessees/Share-croppers:

...

(b) Identification of sharecropper (bataidar)

To identify a share cropper (bataidar), it shall be mandatory to obtain one of the following certificates. It is clarified that any of the following certificates shall be valid only for the purpose of giving assistance under the "Mukhyamantri Krishak Durghatana Kalyan Yojna" in the event of a farmer's accidental death or disability. However, these certificates shall not be valid for any other purpose, or for claiming land ownership, etc.:

(1) A certificate shall be obtained from the landowner or his heir/legal heir to the effect that the person who died or became disabled in the accident had done farming on share cropping basis on his land in the crop year of the accident.

OR

(2) In case the landowner is not available, a certificate given by the Gram Pradhan and Lekhpal of the area under his signature and stamp to the effect that the said affected person was a sharecropper (bataidar) on the land of the landholder in the crop year of the accident.

Also, regarding the identification of sharecroppers (bataidar), the local officers of the Revenue Department shall, subsequent to the inspection, satisfy themselves that only eligible individuals are allowed to avail themselves of the benefits of the scheme."

11. A perusal of the record shows that the petitioner had filed the certificate of Gulab Devi, wife of Nebbu Lal, as well as a certificate issued by the Gram Pradhan in support of her claim under the Scheme. However, the impugned order dated 22.04.2022 reflects clear non-application of mind, as it proceeds solely on the report of the Lekhpal without considering the documents placed on record, including the certificates establishing that the deceased was working as a share-cropper.

12. The impugned order thus reflects clear non-application of mind. The authority has failed to consider relevant evidence and has ignored the express provisions of the Scheme and the governing circular. Instead of assisting in effectuating the object of the Scheme, the claim has been rejected on a narrow and mechanical consideration, defeating the very purpose for which the Scheme has been framed. Such an approach is contrary to the spirit of welfare legislation and cannot be sustained.

13. In the present case, the petitioner has satisfactorily established that the deceased was engaged in agricultural activities as a share-cropper (Bataidar), and thus falls within the definition of "farmer" under the Scheme.

14. Accordingly, the writ petition is allowed. The impugned order dated 22.04.2022 passed by the District Magistrate, Prayagraj is hereby quashed.

15. The matter is remanded to the District Magistrate, Prayagraj to reconsider the petitioner's claim afresh, in accordance with law and in light of the observations made hereinabove. The said exercise shall be completed expeditiously, preferably within a period of two months from the date of production of a certified copy of this order.

(Garima Prashad,J.) (Saral Srivastava,J.)

March 31, 2026

Rakesh