



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 603 of 2026

Shivendu Pandey

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin.
Secy. Home Deptt. Lko. And 11 Others

.....Respondent(s)

Counsel for Petitioner(s)	: In Person, Rakesh Devi Prasad Kumar
Counsel for Respondent(s)	: C.S.C., A.S.G.I., Aprajita Bansal, Manish Jauhari, Ratnesh Chandra, Shailendra Singh Chauhan

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.**

1. There is one intervention application by the victims of the fire incident, inter alia, asserting that the compensation given by State is inadequate and claiming further compensation.
2. We permit the petitioner to implead the owner of the building as an opposite party during course of the day.
3. Issue notice to the newly impleaded opposite party.
4. Counter affidavit filed on behalf of opposite party no.5 is taken on record.
5. The petitioner appearing in person seeks time to file response.
6. The SOP available with the Additional Advocate General in a sealed cover shall be produced as and when is required by the Court.
7. It is also informed that the subject matter of this petition is also engaging attention of Hon'ble Supreme Court in the proceedings arising out of SLP (C) No.8044 of 2025 and the matter is fixed for 15.09.2026.
8. In para 9 of the our earlier order dated 02.07.2026, we had observed as under:-

"9. We have also been informed that a total amount of Rupees Twelve Lakhs has been paid to each of the deceased as compensation from different departments. We would also like to know as to whether there is any policy in the State Government, whether in the form of a statute or otherwise, determining the parameters on the basis of which quantum of compensation payable is determined, whether it be in the case of injury or death resulting from a fire incident or any other incident, because we find that different amount of compensation is paid by the State Government in respect of different incidents. In some, the compensation may be to the tune of Rupees Fifty Lakhs, in others Twenty Five lakhs, while in others, such as the case at hand, barely few lakhs. After all, what is the criteria or the basis for the State Government in deciding the quantum of compensation in such matters."

9. We asked learned counsel for the State to address us on the policy, if any, of the State Government in this regard. We have been informed on strength of the counter affidavit filed by the State authorities today that as of now, the policy for payment of compensation is only in respect of natural calamities but not with regard to the incident such as the one at hand or which may otherwise occur.

10. We direct the State Government to visit this aspect of the matter and formulate a policy for grant of compensation which it does in various cases not covered by natural calamities. We do not wish to narrate incidents herein because they are umpteen in number. Sometimes some police atrocities are committed and the State Government grants compensation, in other situations there are statutory provisions such as under the SC/ ST Act. Therefore, the State Government wherever it grants compensation outside the purview of any statutory provisions, it should have a policy laying down certain parameters on which the compensation is to be determined and paid. This is necessary to avoid discrimination and arbitrariness and also that a case which was less deserving may not get more compensation and vice versa. Let the concerned Departments of the State Government put their heads together and come-up with such a policy.

11. At this stage, Sri Apoorva Tewari, learned member of the Bar has apprised us of the fact that there are three decisions on the subject reported in **(2022) 7 SCC 203, 'Sanjay Gupta vs. State of U.P.'**, **(2013) 10 SCC 494, 'DAV Managing Committee and Anr. vs. Dabwali Tragedy Victims Association & Ors.'** and **(2011) 14 SCC 481 'Municipal Corporation of Delhi vs. Uphaar Tragedy Victims Association'** wherein the principle propounded by Hon'ble the Supreme Court is that where there is no policy or statutory framework for grant of compensation then the principles applicable for determining and paying compensation in motor accident claim matters would be applicable. These three decisions are in respect of fire incidents such as the one at hand.

12. Let the State keep in mind the aforesaid aspect and also respond to it on affidavit as regards the compensation paid to the victims' family as of now and why it should not be enhanced.

13. In the case at hand, the victims were young persons as many as fifteen in number who died apart from those who suffered injuries/ disability in fire incident have received compensation as claimed by State totaling about Rs. 11 Lakh from different funds/ sources, Rs.5 Lakh from C.M. Discretionary Fund another Rs. 4 Lakh from State Disaster Response Fund and further Rs. 2 Lakh from Prime Minister Relief Fund, however, the victim's families, who have filed the intervention application through Sri Rohit Tripathi and Sri Syed Zufikar Husain Naqwi, Advocates submit that some of the victims' family have not received Rs.2 Lakh from the Prime Minister Relief Fund. Sri Varun Pandey, learned counsel appearing for the Union of India is present, he shall get the facts verified. So far as the State is concerned, let it come up with a policy in this regard.

14. At this stage, Sri Rohit Tripathi, learned counsel appearing for the victim's family informs that one of the injured/ disabled person, namely, Jayant Gupta who is aged about 25 years is undergoing treatment at King Georges Medical University and has to incur expenditure to the extent of Rs.70,000/- per month. The said injured person has received only Rs.50,000/- compensation. Prima facie, as the incident occurred not only due to lapse on the part of the owner but also on the part of the authorities whether it be of the L.D.A. or

any other department of the Government in allowing such building to come up and being used for commercial purposes illegally, therefore, we are of the opinion that the least that the State can do is to pay the bills of the said injured person. Let the concerned Department of the State Government do the needful. The KGMU shall ensure that it will not charge any expenses from the injured person admitted there and shall administer treatment to him adequately and properly. If any expenses are required to be borne, the same shall be demanded from the State Government and the State Government shall ensure its payment. The patient shall not be made to pay for his treatment.

15. List this case on 15.10.2026 showing the name of Sri Rohit Tripathi, Advocate as counsel for the interveners.

September 9, 2026
akhilesh/-

(Manjive Shukla,J.) (Rajan Roy,J.)