2026:AHC:222037-DB

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 27384 of 2022

Surendra

…..Petitioner(s)

Versus

State of U P and another

…..Respondent(s)

Counsel for Petitioner(s)	:	Gyanedra Pratap Singh, Krishna Prakash, Manish Prajapati, Narendra Pratap Kushawaha, Parashuram Barnawal
Counsel for Respondent(s)	:	CSC

Judgment reserved on 25.09.2026
Judgment delivered on 26.10.2026

Court No.5

HON'BLE PRAKASH PADIA, J.
HON'BLE GARIMA PRASHAD, J.

(Per : Garima Prashad, J.)

1. Heard Sri Gyanendra Pratap Singh, learned counsel for the petitioner and Sri Vijay Shanker, learned Additional Chief Standing Counsel for the State.

2. The present Writ Petition has been filed challenging the order dated 24.05.2022 passed by the District Magistrate, Kushinagar, rejecting the petitioner's claim for the benefit under the Mukhyamantri Krishak Durghatna Kalyan Yojana (hereinafter referred to as "the Scheme") on the ground that his deceased wife had no agricultural land recorded in her name and was not a bataidar. The petitioner also seeks a direction for payment of the benefit under the Scheme.

3. Briefly stated, the facts are that the petitioner's wife, Smt. Meera, died in a road accident on 20.08.2020. A First Information Report was registered on 21.08.2020 at Police Station Jataha Bazar, District Kushinagar, as Case Crime No. 0101 of 2020, under Sections 279 and 304-A of the Indian Penal Code and Section 184 of the Motor Vehicles Act, 1988. The death certificate records the date of death as 20.08.2020.

4. The petitioner submitted his application for the benefit under the Scheme on 31.10.2020. He relied upon the Khatauni, the First Information Report, the death certificate and the family-register extract. The Khatauni records the petitioner as a co-tenure-holder along with his brothers. This position is also admitted in paragraph 4 of the counter-affidavit filed on behalf of the District Magistrate, Kushinagar.

5. The claim was rejected on 24.05.2022. The communication placed on record states that the deceased had no land in her name and was not a bataidar and, therefore, the petitioner was ineligible. It further describes his repeated applications as without basis and liable to be rejected.

6. Learned counsel for the petitioner submits that Smt. Meera was engaged in agricultural work and that the income from such work maintained the family. She worked on the family holding and also performed agricultural labour for other agriculturists. The petitioner and the children depended upon her contribution. The holding was recorded in the petitioner's name, and the deceased assisted him in cultivation. Agriculture was her principal source of livelihood. Her claim falls within Clause 2(2) of the Scheme, which covers an earning member of the family of a recorded tenure-holder or co-tenure-holder.

7. Learned counsel further submits that the authority has confined eligibility to a person having land in her own name or working as a

bataidar and has overlooked the separate category of earning family members. The petitioner maintains that the Government Order dated 28.02.2020 has been wrongly interpreted.

8. Per contra, learned Standing Counsel for the State supports the rejection on the basis of the affidavit of the Naib Tehsildar, Tehsil Padrauna, filed on behalf of respondent No. 2, the District Magistrate, Kushinagar. It is submitted that Smt. Meera was not recorded as a co-tenure-holder in the Khatauni; the recorded co-tenure-holders were the petitioner and his brothers. The description of the deceased as a co-sharer in the petition is, therefore, disputed.

9. Learned Standing Counsel further submits that the deceased was a household lady and that the petitioner has furnished no documentary evidence showing her as a recorded co-sharer of agricultural land. The State maintains that the rejection accords with the Government Orders dated 28.02.2020 and 02.03.2020, that the repeated applications are based on incorrect facts, and that the Writ Petition deserves dismissal with costs.

10. Having considered the rival submissions and the material on record, the question arising for determination is whether a woman who undertook agricultural work on the holding recorded in her husband’s name, and whose principal source of livelihood was agriculture, is excluded from Clause 2(2) merely because she was neither a recorded tenure-holder nor a bataidar.

11. The Scheme was introduced by the Government Order dated 28.02.2020 with effect from 14.09.2019 to provide monetary relief in cases of accidental death or disability of farmers. Clause 2 defines

eligibility in three alternative categories. Its material provisions read as follows:

"2- पात्रता (कृषक की परिभाषा)-

यह योजना उत्तर प्रदेश के निवासी ऐसे कृषकों के लिए है, जो दुर्घटनावश मृत / दिव्यांग हो जाते हैं। कृषक का तात्पर्य निम्नलिखित से है:-

(1) राजस्व अभिलेखों अर्थात् खतौनी में दर्ज खातेदार/सहखातेदार।

अथवा

(2) खातेदार/सहखातेदार के परिवार के ऐसे कमाऊ सदस्य (Bread winner) जिनकी आजीविका का मुख्य स्रोत खातेदार/सहखातेदार के नाम दर्ज भूमि से होने वाली कृषि आय है।

अथवा

(3) ऐसे भूमिहीन व्यक्ति जो पट्टे से प्राप्त भूमि पर अथवा बटाई पर कृषि कार्य करते हैं तथा जिनकी जीविका का मुख्य साधन ऐसे पट्टे अथवा बटाई पर ली गयी भूमि पर कृषि कार्य है। पट्टेदार के अन्तर्गत असामी पट्टेदार, सरकारी पट्टेदार तथा निजी पट्टेदार सम्मिलित होंगे।"

The English translation is:

"2. Eligibility (Definition of Farmer)—The Scheme applies to farmers residing in Uttar Pradesh who suffer accidental death or disability. A farmer means:

(1) a tenure-holder/co-tenure-holder recorded in the revenue records, namely, the Khatauni;

or

(2) an earning member (breadwinner) of the family of a tenure-holder/co-tenure-holder whose principal source of livelihood is

agricultural income derived from land recorded in the name of that tenure-holder/co-tenure-holder.

or

(3) a landless person who carries on agricultural work on leased land or on a share-cropping basis and whose principal means of livelihood is agricultural work on that land. Lessees include Asami lessees, government lessees and private lessees."

12. Clause 2(3) separately covers landless persons carrying on agricultural work on leased land or on a share-cropping basis, whose principal means of livelihood is agricultural work on that land. Each category is an alternative basis of eligibility. A family member satisfying Clause 2(2) need not also establish that she was a recorded tenure-holder under Clause 2(1) or a bataidar under Clause 2(3).

13. Clause 11(ज) further provides for the documents supporting a claim upon the accidental death of a person covered by Clause 2(2) or 2(3):

"परन्तु कृषक की पात्रता की परिभाषा के प्रस्तर 2 के उप प्रस्तर 2 या 3 की स्थिति में कृषक की दुर्घटनावश मृत्यु होने पर परिवार के सभी सदस्यों का सम्मिलित सहमति का शपथ पत्र, जो उप जिलाधिकारी द्वारा प्रतिहस्ताक्षरित हो, मान्य होगा। केवल ऐसे मामले जो कि विवादित हों उनमें सक्षम न्यायालय से प्राप्त उत्तराधिकार प्रमाण-पत्र मान्य होगा।"

The English translation is:

"However, in cases under sub-paragraph 2 or 3 of paragraph 2 defining eligibility as a farmer, upon the farmer's accidental death, a joint affidavit of consent of all family members, countersigned by the Sub-Divisional Magistrate, shall be accepted. Only in

disputed cases shall a succession certificate obtained from the competent Court be accepted."

14. This provision recognises claims in respect of earning family members who are not recorded tenure-holders. It also prescribes the manner of establishing the claimant's entitlement to receive payment. The documentary requirement must be observed; it does not restrict the substantive eligibility of the deceased to persons having land in their own names.

15. Clause 2(2) expressly recognises that an earning member may derive her livelihood from cultivation of land recorded in another member's name. Its application depends upon the deceased's agricultural work and principal source of livelihood. Requiring the land to stand in the deceased's own name would remove the distinction between Clauses 2(1) and 2(2) and deprive the latter provision of its purpose.

16. The Scheme is a beneficial welfare measure. Its provisions must be read together in a manner which advances its object, while preserving the conditions which the Government has prescribed. The authority must examine the actual agricultural role of the deceased and the source of her livelihood rather than decide the claim only by the name appearing in the revenue record.

17. This approach to agricultural livelihood has been explained by the Division Bench in ***Smt. Gayatri Devi v. State of U.P. and others***, Writ–C No. 29414 of 2021, decided on 18.12.2025. In paragraphs 17 to 21, the Court held that the Scheme does not require the holding to be recorded in the deceased's own name. The inquiry concerns actual agricultural work and principal livelihood. The Court also applied the principle of beneficial interpretation stated in ***Union of India v. Prabhakaran Vijaya***

Kumar; (2008) 9 SCC 527. The rejection was quashed and a fresh inquiry directed because the deceased's alleged shop income remained disputed.

18. The agricultural work of a deceased wife was considered by the Division Bench in ***Rajesh Kumar v. State of U.P. and others***, Writ–C No. 1006 of 2026, decided on 24.03.2026. In paragraphs 12 to 15, the Court applied Clause 2(2) and ***Gayatri Devi*** and held that land recorded in an elder family member's name did not exclude the spouses who cultivated it. The unsupported denial of agricultural dependence was rejected. In paragraph 17, the Court directed grant of the benefit under the Scheme.

19. Clause 2(2) uses the expression "कमाऊ सदस्य (Bread winner)". It requires an earning member whose principal source of livelihood is agricultural income from the recorded holding. It does not require that member to be the sole breadwinner. More than one member of a family may contribute to cultivation and derive a livelihood from it. The fact that the husband owns land or also earns does not exclude the wife who performs agricultural work and depends upon its income.

20. Agricultural work within a family may be undertaken jointly by the spouses. A wife's contribution to cultivation is not excluded merely because she also attends to the household. Her status as an earning member is determined by the work she performs and the livelihood she derives from it. A separate wage paid by her husband for work on the family holding is not a condition stated in Clause 2(2).

21. In the present case, the State admits that the petitioner is a recorded co-tenure-holder. The deceased was his wife and a member of his family. The assertion in the petition that she was herself a recorded co-sharer is not borne out by the Khatauni. That assertion does not establish

eligibility under Clause 2(1), but it does not defeat the separate claim under Clause 2(2), which must be considered on its own terms.

22. The petitioner has consistently asserted that Smt. Meera performed agricultural work and contributed to the family's livelihood. The family-register extract records agriculture as the occupation of the household. The State describes her as a household lady and denies her recorded title, but places no material showing that her principal source of livelihood was other than agriculture. Its demand for documentary proof of her own co-tenure-holder status addresses Clause 2(1) and does not answer the agricultural basis of the claim under Clause 2(2).

23. The First Information Report records that the petitioner ran a tea shop in front of his house. This fact must also be considered. The petitioner's earnings from a shop do not establish that the deceased herself derived her principal livelihood from that activity. The relevant inquiry under Clause 2(2) concerns her work and her principal source of livelihood. Her participation in cultivation of the recorded family holding and dependence upon its agricultural income are not displaced merely by the husband's separate earnings.

24. The deceased's work for other agriculturists, as pleaded, forms part of the account of her agricultural occupation. The present entitlement rests upon her work on the holding recorded in the petitioner's name and the agricultural income derived from it. The claim is therefore examined under Clause 2(2), and does not depend upon treating her as a bataidar.

25. The impugned decision proceeds upon the absence of land in the deceased's name and her absence of bataidar status. It overlooks the admitted holding of the petitioner and the deceased's agricultural role as an earning member of his family.

26. On consideration of the Scheme, the revenue record, the family-register extract and the petitioner's account of the agricultural work performed by the deceased, it is held that Smt. Meera was an earning member of the family whose principal source of livelihood was agricultural income derived from the holding recorded in the petitioner's name. The grounds relied upon by the State do not exclude her from Clause 2(2). The petitioner is accordingly entitled to the benefit under the Scheme in respect of her accidental death.

27. Accordingly, the Writ Petition is allowed. The order dated 24.05.2022 passed by the District Magistrate, Kushinagar, rejecting the petitioner's claim under the Scheme, is hereby quashed.

28. The District Magistrate, Kushinagar, is directed to pass a fresh order on the petitioner's claim in accordance with the findings and observations made above. The exercise shall be completed within four weeks from the date of production of a certified copy of this judgment.

(Garima Prashad,J.) (Prakash Padia,J.)

October 26, 2026
Kuldeep

Digitally signed by :-
KULDEEP SINGH
High Court of Judicature at Allahabad