

**Court No. - 3**

**Case :-** WRIT - C No. - 24481 of 2022

**Petitioner :-** Rani Sonkar And 10 Others

**Respondent :-** State Of U.P. And 3 Others

**Counsel for Petitioner :-** Jai Prakash Mishra

**Counsel for Respondent :-** C.S.C.

**Hon'ble Surya Prakash Kesarwani,J.**  
**Hon'ble Saurabh Srivastava,J.**

On oral request of learned counsel for the petitioners, Principal Secretary, Excise Department, Government of Uttar Pradesh is allowed to be impleaded as respondent no.5. Necessary impleadment in the array of parties be carried out during the course of the day.

Notice on behalf of respondent no.5 has been accepted on behalf of learned Chief Standing Counsel.

Heard Shri Jai Prakash Mishra, learned counsel for the petitioners and Shri K.R.Singh, learned Chief Standing Counsel for the state respondents.

Petitioner nos. 1 to 4 and 6 to 10 are the widows of those male persons who died due to consumption of poisonous country/foreign made liquor purchased from Licensed Retail Vend Country Liquor Shop. Petitioner no.5 is the son of one Rikhraj Nishad who died due to consumption of poisonous liquor purchased by him from licensed Retail Vend Country Liquor Shop. Petitioner no.11 is the person who also purchased liquor from Licensed Retail Vend Country Liquor Shop and on consumption lost his eye's vision. It is admitted fact that all the consumers have purchased liquor from Licensed Retail Vend Country Liquor Shops which were sold by the licensees to them as branded liquor. As per charge sheet dated 2.8.2021 filed by the State under Section 60 (A) of U.P. Excise Act and Sections 419, 420, 467, 468, 471, 272, 273, 120B IPC, Police Station Pawai District Azamgarh, the licensed vendors and certain other persons were involved in manufacture and sale of poisonous liquor and sold it to large number of persons including the husbands/father of the petitioners herein resulting

in either death of consumers or loss of eye vision. Thus, the husband/father of the aforesaid petitioners were sufferers due to consumption of poisonous liquor purchased by them from Licensed Retail Vend Country Liquor Shop.

Thus prima facie, the State Government, having complete control and regulation to manufacture and sale of liquor under the U.P. Excise Act, 1910 and Rules framed thereunder; is also liable to pay specified amount to the sufferer or successors of the deceaseds under the provisions of "Mukhya Mantri Kisan Evam Sarvhit Bima Yojna" which provides for compensation on account of death or permanent disability due to poison etc.

Learned Chief Standing Counsel has also been confronted with the Division Bench judgement of this court dated 25.1.2021 passed in Writ-C No. 21066 of 2020 (Oriental Insurance Co. Ltd vs. Uma Devi and 2 others) with respect to the aforesaid "Mukhya Mantri Kisan Evam Sarvhit Bima Yojna" . From perusal of the records of the writ petition it appears that most of the petitioners are illiterate and belongs to weaker section of the society.

Learned Chief Standing Counsel prays for and is granted two weeks' time to file counter affidavit. Petitioners shall have three days thereafter to file rejoinder affidavit. The counter affidavit shall be filed on behalf of the State respondents, by an officer not below the rank of Secretary.

**Put up on 19.9.2022 as fresh case for further hearing.**

**Order Date :- 29.8.2022**

Rakesh