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BHUKAMP PIDIT ANDOLAN

v.

STATE OF U.P. AND ANR.

MAY 8, 1995

B

[K. RAMASWAMY AND B.L. HANSARIA, JJ.]

*Natural Calamities—Earthquake—Victims—Compensation—Eligibility—Collector's report—Supreme Court directions for verification and payment of compensation.*

C

In this writ petition, the District Collector of Uttarkashi and Tehri Garwal have filed details regarding names received and considered, extent of verification done and who are the persons eligible to receive compensation in the areas hit by earthquake.

D

Disposing the petition, this Court

E

HELD : So far as Uttarkashi is concerned, there are no eligible earthquake victims left out. As regards Tehri District, 907 claims are pending for verification. The District Collector is directed to have them verified within a period of two months from the date of the receipt of this order and make payment to such of those who are found eligible. As to 576 persons whose claims were found to be eligible, but have not come forward to receive compensation, the District Collector is directed to issue notice to them within one month of receipt of this order and make payment after verifying that are genuine persons eligible to receive the compensation. [37-A, D & E]

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CIVIL APPELLATE JURISDICTION : Writ Petition (C) No. 50 of 1993.

(Under Article 32 of the Constitution of India).

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K.G. Bhagat, Kamal Baid and Ms. K. Choudhary for the Petitioner.

A.K. Srivastava for the Respondents.

The following Order of the Court was delivered :

H

Affidavits have been filed on behalf of the District Collectors of Uttarkashi and Tehri Garwal. As regards the claimants in Uttarkashi

District, it was ultimately found that only four persons are eligible. Claim of 13 persons have been rejected on the ground either that Karta of the joint family has been paid and houses have already been rebuilt or claim have already been settled. Under these circumstances, so far as Uttarkashi is concerned, there are no eligible earthquake victims left out. A

With regard to the Tehri District, the Collector has given the details. Names of 6978 have been received. Out of them they verified 6071. 907 are pending verification and compensation has already been received by 1500 people. 3844 were found to be not eligible. 576 people though found eligible, have not come forward to receive compensation. Therefore, they have not been paid. 151 claimants were minor and, therefore, they are not entitled to the payment of compensation. B C

In view of these facts, we do not think that any further purpose will be served in keeping the matter pending since substantially required work has been done by the District Collector of Tehri. However, with regard to the pending 907 claims for verification, the District Collector is directed to have them verified within a period of two months from the date of the receipt of this order and make payment to such of those who are found eligible. As to 576 persons whose claims were found to be eligible, the District Collector is directed to issue notice to them within one month of receipt of this order and make payment after verifying that they are genuine persons eligible to receive the compensation. This verification may be got done in the presence of the patwari of the village concerned. D E

The writ petition is accordingly disposed of. No costs.

T.N.A.

Petition disposed of.