



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 38751 of 2025

Sanjay Kumar Sharma

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ankit Kumar Pal, Praveen Kumar Singh
Counsel for Respondent(s) : Abhinav Gaur, C.S.C., Kartikeya Saran

Court No. - 1

HON'BLE AJIT KUMAR, J.

HON'BLE SATYA VEER SINGH, J.

1. Heard Shri Praveen Kumar Singh, learned counsel appearing for the petitioner, Shri Anoop Trivedi, learned Senior Advocate appearing for the respondent nos. 3 and 4- Kumbh Mela Authority assisted by Shri Abhinav Gaur, learned counsel, Shri Manish Goyal, learned Additional Advocate General, assisted by Shri Anubhav Chandra, learned Standing Counsel for State-respondent nos. 1 and 2 and also appearing for the Enquiry Commission.

2. In compliance with the previous order of this court dated 08.04.2026, an affidavit of Meladhikari, Kumbh Mela Adhikari, Prayagraj, Shri Vijay Kiran Anand, a member of the Indian Administrative Service, has been placed before the Court and also the affidavit of the Secretary of the Judicial Inquiry Commission, Mahakumbh, Lucknow, Dr. Sher Bahadur Singh, by their respective counsel.

3. In view of what we had stated in our order dated 08.04.2026, the compliance affidavit filed by the Secretary of the Judicial Enquiry Commission becomes relevant and hence, we proceed to consider the same in the first instance. Vide paragraphs 5, 6 and 7 of the Commission, the Secretary has averred thus:

"5. That in response to above mentioned letter of Meladhikari, deponent, the Secretary of Three Member Judicial Inquiry Commission vide letter number 301 dated 07 September, 2025 informed the Meladhikari Kumbh Mela Prayagraj that the

disposal of representation sent through above letter dated 10.07 2025 is beyond the scope of inquiry of the Judicial Inquiry Commission and so it will not be just and proper to provide any guidance in this matter and the disposal of representations may kindly be done at your own level after examination of the matters. A true copy of the letter no. 301 of Three Member Judicial Inquiry Commission dated 07.09 2025 is being filed herewith and marked as Annexure No. P.A.-5 to this personal affidavit.

6. That the Secretary of Government of Uttar Pradesh vide letter dated 16.09.2025 directed the Meladhikari Mahakumbh Prayagraj to dispose of representations at his own level in view of letter dated 07.09.2025 of Three Member Judicial Inquiry Commission. A true copy of the letter of Secretary UP Government dated 16.09.2025 is being filed herewith and marked as Annexure No. P.A.-6 to this personal affidavit.

7. That it is most humbly submitted that the file of petitioner was though transmitted to the commission as above, is not pending for disposal before the commission for inquiry about individual death claim for compensation That Commission in due process of inquiry issued public notice dated 18.03.2025 and also issued notices to various witnesses for recording their evidence on different dates wherein notices were issued to Smt Dharmshila and Shri Ramakant Yadav fixing 12.12.2025 for their evidence, however on 11.12.2025 (a day before) above two witnesses appeared before the Three Member Judicial Inquiry Commission with their respective affidavits and their statements were recorded as witnesses number 320 and 321 and the same day Shri Sanjay Kumar Sharma, the petitioner of above writ petition (though not summoned) also appeared before the commission, on his own with his affidavit, in furtherance of public notification of the Inquiry Commission (issued through publications in various National and Regional newspapers of Hindi and English) inviting public at large for evidence. Therefore, his statement was also recorded by the Commission on the same day 11.12.2025 as witness number 322. It is also pertinent to mention that undersigned the Secretary of Three Member Judicial Inquiry Commission never summoned Shri Sanjay Kumar Sharma, petitioner. For kind perusal of this Hon'ble Court, a true copy of public notice is being filed herewith as Annexure No. P.A.-7 to this affidavit."

4. In view of what has been stated in paragraph 5 and paragraph 7, the Commission of Enquiry, while recording the statement of Smt. Dharmshila and Shri Ramakant Yadav related to the deceased got them

examined for the purposes of recording a finding qua point number (iii) and (iv) of the terms of enquiry of the Judicial Commission as has come to be averred in paragraph 3 of the personal affidavit of Mr. Vijay Kiran Anand. The claim regarding *exgratia* compensation as was announced by the State Government could not be considered by the Commission and hence, the Commission clarified its stand on the said point and returned the file of claim compensation of the petitioner to the Meladhikari vide letter dated 07.09.2025. Now, it is for the Meladhikari to take a final call in the matter.

5. Vide paragraph 6, it has been stated that the claim petition of the petitioner was forwarded to the Commission whereas vide paragraph 7, it has been admitted that the claim filed has been received back from the Commission. It is also stated vide paragraph 5, that the statements of the relatives of the victim have been recorded by the Commission and vide paragraph 10, it has been stated that the statement of Smt. Dharmshila Devi was also recorded by the Mela Authority on 11.12.2025. Vide paragraph 12, it has been stated that as per the statement of Smt. Dharmshila Devi has been recorded regarding the death of Shiva Devi during the stampede in Mauni Amavasya, on 11.12.2025. It has thus been stated that it would be necessary to await the outcome of the decision of the Commission to avoid contradictory decisions.

6. The question that falls for our consideration is as to whether the Commission of Enquiry would be also looking into the individual claims so far as the factum of death due to stampede is concerned, in terms enquiry of the judicial Commission as delineated in Paragraph 3 of the affidavit, for the limited purpose as to whether the loss of life and property had taken place for the stampede that unfortunately happened on the fateful day of Mauni Amavasya during Mahakumbh. For better appreciation of this question, we reproduce paragraph 3 of the affidavit of Mr. Vijay Karan Anand that runs as under:

"3. That it is stated that by means of the Order dated 29.01.2025, the Government of Uttar Pradesh formed a three member judicial enquiry Commission. The said Commission has been constituted to conduct an enquiry on the following points:

1.

उन कारणों / परिस्थितियों का अभिनिश्चय करना, जिसके कारण उक्त घटना घटित हुई।

II. भविष्य में इस प्रकार की घटना की पुनरावृत्ति को रोकने के सम्बन्ध में सुझाव देना।

III. दिनांक 29.01.2025 को महाकुंभ, प्रयागराज में मौनी अमावस्या के दौरान मेला क्षेत्र में हुई भगदड़ के दौरान जन-धन की हानि, यदि हुई हो, की जांच।

IV. भगदड़ के दौरान धन जन की हानि के सम्बन्ध में मेला प्रशासन व जिला प्रशासन के स्वास्थ्य सेवा प्रशासन से समन्वय की जांच।"

7. Upon a bare reading of the terms of enquiry as reproduced hereinabove, three questions have to be answered by the Commission:

(1) The reasons and the circumstances for which the incident took place.

(2) Suggestions to avoid such incident further taking place in future.

(3) If there was any loss of life and property on 29.01.2025 due to stampede that happened.

8. Point (iv) cannot be read to be terms of enquiry because it is only for the purposes of reaching to a finding in point (iii) that the coordination has to be there with the District Mela and District Administration and its District & Health Administration.

9. Upon a pointed query being made, learned Senior Advocate, neither any of the Additional Advocate Generals nor any of State panel counsel could deny factum of a stampede that took place on 29.01.2025 and that out of those who died, some of them, have already been paid compensation.

10. In the event, when there is no denial on the part of the State as well as the Mela Administration regarding some loss of life and property in a stampede that happened on the Mauni Amavasya day during Mahakumbh Mela, the term of enquiry qua point (iii) becomes absolutely useless and cannot be stretched to mean and to hold that after Commission gives finding qua happening of stampede that any payment of compensation would arrive. When the State itself admits that such incident had taken place, then the Commission was not to any further enquire as to whether

such an stampede happened or not. The State having not denied that it had paid compensation to the dependents of some of those who had lost their life, it also amounts to an admission that there was a loss of life and property. The coordination insofar as clause no. (iv) is concerned, with the Mela Administration and the Health Department of the district administration, that should be read to help in arriving at final findings that have to be arrived at in respect of part no. 1 and 2 of the terms of reference as to judicial enquiry.

11. The secretary of the Commission very fairly stated vide paragraph 5 of the affidavit that the decision of the representation qua claim of compensation was outside the scope of enquiry by the Judicial Enquiry Commission. In the circumstances, we cull out following principles that emerge for consideration by the Mela and District Administration besides the fact that a judicial enquiry has been ordered by the State Government in the matter:

(i) Every claim of compensation has to be made before the District Administration and not before the State Judicial Commission.

(ii) In deciding the matter of claims, it is the District Magistrate (Mela)/ the Meladhikari, who has to verify the facts as to the loss of death or property of an individual during stampede on 29.01.2025.

(iii) The material placed before the Meladhikari have to be examined in each individual case while arriving at a finding that such death took place on the fateful day, that is, Mauni Amavasya.

(iv) The records produced, the documents like inquest report by the police officers and the postmortem report prepared by the Chief Medical Officer/Medical Superintendent of the hospital have to be taken as undisputed material document unless disputed with valid contrary evidence for the purposes of determination of death during stampede.

(v) The Meladhikari has to take a final decision in the matter of claim of compensation within a period of 30 days of its presentation.

(vi) Insofar as the enquiry by the Judicial Commission is concerned, that

would only be relating to point (i) and (ii), and in general for Clause (iii), not in matters of individual cases. The depositions made by the dependents of the deceased before the Commission, will only be with reference to the terms of reference point (iii) and not to determine the individual claim petitions for compensation.

12. Now coming to the facts of the present case, we find that there is an inquest report prepared by the Sub-Inspector, P.S. Shivkuti, Commissionerate Prayagraj, of the deceased Shiva Devi and also the postmortem report of the Medical Officer, Dr. Anil Kumar, dated 31.01.2025. These documents have been brought on record as Annexure 1 and 2 to the petition. These documents have not been disputed by placing any cogent material to the contrary.

13. Meladhikari is to take a decision in three weeks' time. We direct Meladhikari to take a decision within three weeks from today and file a compliance affidavit by the next date fixed.

14. List on 7th May, 2026.

15. Let a copy of this order also be sent to the Secretary, Judicial Commission of Enquiry, by Mr. Abhinav Chandra, learned Standing Counsel.

(Satya Veer Singh,J.) (Ajit Kumar,J.)

April 13, 2026
A. V. Singh