

GAHC010114682015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1648/2015

THE EXECUTIVE ENGINEER and ANR,
PUBLIC HEALTH ENGINEERING, KARIMGNAJ DIVISION, SETTLEMENT,
P.O. SETTLEMENT, KARIMGANJ, ASSAM.

2: THE ASSISTANT EXECUTIVE ENGINEER

PUBLIC HEALTH ENGINEERING
BADARPUR SUB-DIVISION
DEBENDRA NAGAR
BADARPURGHAT P.O. BADARPUR
DIST. KARIMGANJ
ASSAM

VERSUS

THE STATE OF ASSAM and 7 ORS,
REP. BY THE LAW DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE ASSAM STATE LEGAL SERVICES AUTHORITY

REP. BY ITS SECRETARY ASSAM STATE LEGAL SERVICES AUTHORITY
PANBAZAR
GUWAHATI-1.

3: THE PERMANENT LOK ADALAT

KARIMGANJ REP. BY ITS CHAIRMAN/PRESIDING OFFICER
KARIMGANJ
ASSAM.

4: MONOWARA BEGUM
W/O LT. ALA UDDIN

5: MOHFUZUR RAHMAN

S/O LT. ALA UDDIN

6:MASUM AHMED
S/OLT. ALA UDDIN

7:ZAHIMA BEGUM
D/O LT. ALA UDDIN ALL ARE RESIDENTS OF VILL- BUNDASHIL
P.O. and P.S. BADARPUR DIST. KARIMGANJ
ASSAM RESPONDENT NOS. 6
7
AND 8 BEING MINORS ARE RESPONDENT NO. 5 MONOWARA BEGUM

For the Petitioners : Mr. D. Gogoi, Advocate.

For the Respondents : Mr. Khayer Uddin, Govt. (R 5 – 8).

Date of Hearing & Judgment : **04/08/2023**

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
JUDGMENT & ORDER (ORAL)

The instant writ petition has been filed challenging the Award dated 23.12.2014 passed by the Permanent Lok Adalat at Karimganj in PLA Case No. 02/2013, whereby the second party in the said proceedings i.e. the Petitioner Nos. 1 & 2 alongwith the State of Assam were directed to pay an amount of Rs. 1,75,000/- (Rupees one lakh seventy five thousand) within three months from the date of the said order.

2. It is relevant to take note of that all the parties who suffered the said award did not approach this Court except the Petitioner Nos. 1 & 2. From a perusal of the writ petition, it appears that the only ground so taken is that the permanent Lok

Adalat at Karimganj had no jurisdiction to award the compensation in PLA Case No. 02/2013.

3. This Court finds it relevant at this stage to take note of the Legal Services Authorities (Amendment Act), 2002 whereby Section 22C was inserted. In terms with Section 22C, what cases the permanent Lok Adalat can take cognizance has been stipulated. From a perusal of the Sub-Section (1) of Section 22C of the Legal Services Authorities Act, 1987, any party to a dispute may before the dispute is brought before any Court, make an application to the permanent Lok Adalat for settlement of the dispute. It is further seen from Sub-Section (8) of Section 22C that where the parties failed to reach an agreement under Sub-Section (7), the permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute. Therefore, taking into account Sub-Section (1) and Sub-Section (8) of Section 22C of the Legal Services Authorities Act, 1987, this Court is of the opinion that the permanent Lok Adalat at Karimganj had the jurisdiction to pass the Award dated 23.12.2014 in PLA Case No. 02/2013 in the facts of the instant case.

4. This Court further finds it relevant to take note of that it is the Assistant Executive Engineer as well as the Executive Engineer Public Health Engineering had filed the instant writ petition. Surprisingly the Government of Assam represented by the Commissioner and Secretary to the Department of Public Health Engineering did not assail the Award dated 23.12.2014 passed in PLA Case No. 02/2013. Taking

into account that the Award was not personal to the said Petitioners but was awarded against the State of Assam, it was incumbent upon State of Assam to assail the Award. On this ground, the instant writ petition is not maintainable.

5. In that view of the matter, the instant writ petition fails and accordingly stands dismissed. The Petitioner shall be at liberty to take steps before the appropriate forum for the purpose of execution of the Award impugned in the instant proceedings.

6. The Registry is forthwith directed to return the LCR.

JUDGE

Comparing Assistant