

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 817 of 2021

Nongmaithem Mangijao Singh & 3 Ors.

.....Petitioner/s

- Versus -

Manipur State Legal Services Authority & 5 Ors.

.... Respondent/s

BEFORE
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA

Order

22.05.2024

[1] Heard Mr. BR. Sharma, learned counsel for the petitioners and Mr. Ch. Momon, learned counsel for respondent Nos. 1 & 2.

[2] The petitioners have filed the present writ petition challenging the order dated 14.10.2021 passed by the Legal Aid Clinic Kakching in Registration Case No. Nil of 2021 whereby the Legal Aid Clinic Kakching passed an order with regard to the property dispute between the petitioners and the private respondents herein.

[3] Mr. BR. Sharma, learned counsel for the petitioners, submits that the private respondents approached the Legal Aid Clinic Kakching with regard to the dispute of a piece of land under patta No. 246 (Old), 447 (New) dag No. 2057 of village NO. 62-Kakching Wairi having an area of .31 acres of Ingkhol class.

[4] By the impugned order, the Legal Aid Clinic Kakching held that the petitioners herein should not be objected/interfered in the accrual rights of the land owners of the private respondents in respect of the property mentioned above. In para 13 of the impugned order, the Legal Aid Clinic Kakching declared that the private respondents are real and absolute owners of the disputed land.

[5] Learned counsel for the petitioners draws the attention of this Court to the National Legal Services Authority (Legal Aid Clinics) Scheme, 2010 wherein for the first time, the concept of Legal Aid Clinic was introduced to resolve the local disputes in an amicable way without permitting the disputes from maturing into litigation. It may be noted that Legal Aid Clinics are run under the State Legal Services Authority as well as the District Legal Services Authority and are manned by a panel of lawyers and para-legal volunteers.

[6] Mr. BR. Sharma, learned counsel for the petitioners, refers to the National Legal Services Authority (Legal Aid Clinic) Regulations, 2011 wherein in para 16 it is held that the para-legal volunteers or the lawyers engaged in the Legal Aid Clinics shall attempt to amicably resolve the pre-litigation disputes of the persons brought to the Legal Aid Clinics by using ADR Techniques. It is submitted that the Legal Aid Clinics have no jurisdiction to pass an order on the merit of the case except for making an effort to arrive at an amicable settlement. It is also submitted that the impugned order is in

contravention of the NALSA (Legal Aid Clinic) Schemes, 2010 and Regulations, 2011 and the same may be set aside.

[7] Mr. Ch. Momon, learned counsel appearing on behalf of the Manipur State Legal Services Authority and District Legal Services Authority, Thoubal, agrees with the submissions made by Mr. BR. Sharma, learned counsel for the petitioners.

[8] This Court is of the opinion that in view of the provision of the Scheme, 2010 and Regulation 2011, a Legal Aid Clinic has no authority to decide a matter on merit except for making an effort to bring an amicable settlement between the parties in dispute. In the circumstances, the impugned order dated 14.10.2021 passed by the Legal Aid Clinic Kakching is set aside and the parties are at liberty to approach the Court of competent jurisdiction.

[9] With this observation, writ petition is disposed of.

[10] Send a copy of this order to the Member Secretary, Manipur State Legal Services Authority for information and imparting training to all the Legal Aid Clinics established under its jurisdiction.

JUDGE

Kh. Joshua Maring

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