

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3372 of 2013

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1. Smt. Malti Devi Wife Of Kamta Pd. Singh R/O Mohalla - Chanakyapuri Colony H.I.G. -67, P.S. - Rampur, District And Town - Gaya

2. Rajnish Kumar Singh S/O - Kamta Pd. Singh R/O Mohalla - Chanakyapuri Colony H.I.G. -67, P.S. - Rampur, District And Town - Gaya

3. Manish Kumar S/O - Kamta Pd. Singh R/O Mohalla - Chanakyapuri Colony H.I.G. -67, P.S. - Rampur, District And Town - Gaya

4. Satish Kumar S/O - Kamta Pd. Singh R/O Mohalla - Chanakyapuri Colony H.I.G. -67, P.S. - Rampur, District And Town - Gaya

5. Sunny Kumar S/O - Kamta Pd. Singh R/O Mohalla - Chanakyapuri Colony H.I.G. -67, P.S. - Rampur, District And Town - Gaya

6. Rashmi Singh W/O - Rohit Singh And D/O - Kamta Pd. Singh R/O Mohalla - Chanakyapuri Colony H.I.G. -67, P.S. - Rampur, District And Town - Gaya

.... Petitioners.

Versus

1. The State Of Bihar Through The Secretary, Department Of Law, Government Of Bihar, Patna

2. Smt. Shakuntala Devi @ Shakuntala Singh W/O - Narendra Kumar Singh R/O - Mohalla - Bahadurpur, P.S. - Bahadurpur, Patna District - Patna , At Present - Residing At Mohalla Chanakyapuri Colony, H.I.G. - 67, P.S. - Rampur, District - Gaya

3. Kamta Pd. Singh S/O - Late Kapildeo Narayan Singh Residing At Mohalla - Chanakyapuri Colony, H.I.G. -67 P.S. - Rampur, District - Gaya

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Adv.
Mr. Nagadeo Choubey, Adv.

For the Respondent no.2 : Mr.Sukumar Sinha, Sr.Adv.
Mr.Abinash Kumar, Adv.

Respondent no.3: Mr.Pankaj Maijorwar, Adv.

For the State : Mr. Pramod Kumar Singh, A.C. to S.C.12.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

5 21-12-2015

Heard the learned counsel for the petitioners

and learned counsel appearing for the respondent nos.2 and 3.

Assail in the present writ application is the order dated 26.09.2012 whereby the Permanent Lok Adalat has rejected the petition filed by the petitioners praying for setting

aside the award passed in P.L. Case No.09/2012 dated 12.01.2012 in view of the facts stated in the said petition. The petitioners have subsequently filed interlocutory application (I.A.No.1804/2013) praying for amendment in the writ application to the extent of adding the relief for quashing the award dated 12.01.2012 passed by Permanent Lok Adalat in the said Case No.09/2012.

After hearing the parties and considering the submissions, it transpires that in the impugned award dated 26.09.2012 it has been observed that *“the petitioners can challenge the award on the ground of fraud, if so advised in a regular Court of law meaning thereby the petitioners are not deprived of legal remedy”*. Even otherwise also it has been accepted by the learned counsel for the parties that the issue of fraud and collusion are the crucial issues to be determined before the grant of relief as prayed by the petitioners in this application. The learned counsel for the parties have also agreed that such an issue of fact cannot be adjudicated by this Court under Article 227 of the Constitution of India. No other provision or authority has been brought to the notice of this Court on behalf of the petitioners to persuade this Court to interfere in the matter. The learned counsel for the petitioners in the last has made a prayer that this application be disposed of with liberty to the petitioners for

redressal of their grievances in accordance with law against the award and for protection of their rights in the properties subject matter of the award.

Mr. Sukumar Sinha, the learned senior counsel appearing for the respondent no.2 and learned counsel for the respondent no.3 have also agreed to the aforesaid proposition for disposal of this writ application with liberty to the petitioners to seek redressal of their grievances against the impugned order/award and also for protection of their rights in the properties subject matter of the award.

In view of the aforesaid facts and the stand of the learned counsel for the parties, this writ application is disposed of with liberty to the petitioners to seek redressal of their grievances in accordance with law against the impugned award for protection of their rights which is claimed by them in the properties subject matter of the award in accordance with law.

The writ application is disposed of with aforesaid liberty.

(V. Nath, J)

Nitesh/-

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