

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18291 of 2013

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Md. Edulferagh S/O Md. Qaisar Ahmad Resident Of Mohalla- Chhoti Quazipura, P.S- Laheriasarai, District- Darbhanga (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar.
2. (i) Shabana Perveen W/o Late Md. Quaisar Ahmad (ii) Roshani D/o Late Md. Quaiser Ahmad under the guardianship of her mother Shabana Praveen Resident of Mohalla- Chhoti Quazipura, P.S- Laheriasarai, District- Darbhanga (Bihar)
3. Md. Izharul Haque S/O Md. Kalim Marhu Resident Of Mohalla- Rahamganj, P.S- Laheriasarai, District- Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Mishra

For the Respondent/s : Mr. S.D. Sanjay

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 23-11-2015

Heard the learned counsel for the petitioner.

Calling in question the impugned award passed by the Lok Adalat, the present petitioner has filed this writ application for quashing the said award.

The petitioner claims himself to be a co-sharer of the property subject matter of the said award. It is the statement of the petitioner as made in paragraph-14 of this writ application that a suit for partition being partition suit no. 08 of 2012 has been filed by the petitioner and the same is pending before Sub Judge-I, Darbhanga and in that suit, the written statement has been filed by

the respondent no. 2 wherein the fact regarding the award has been stated giving the knowledge of the said award to the petitioner.

The learned counsel for the petitioner has submitted that the Lok Adalat had no jurisdiction as the proceeding has been initiated in contravention of the provisions of Legal Services Authority Act. It has, therefore, been canvassed that the impugned award is without jurisdiction.

After careful consideration of the matter and in view of the admitted fact that the partition suit filed by the petitioner is pending which includes the property subject matter of the award and also the fact that the petitioner was not a party under the award and has alternative remedy to seek appropriate remedy, in accordance with law, against the impugned award in the pending suit itself, this Court is not inclined to invoke the writ jurisdiction, as prayed.

The writ application is, accordingly, dismissed with liberty to the petitioner to seek redressal of his grievances in accordance with law in the pending partition suit.

(V. Nath, J)

Devendra/-

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