

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11262 of 2014

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Rameshwar Prasad son of Luxmi Prasad Resident of village - Jokiyari, P.O. -
Raxaul, P.S. - Raxaul, District - East Champaran. Petitioner/s

Versus

1. Ramesh Singh son of late Chandan Singh Resident of village - Jokiyari, P.O. -
Raxaul, P.S. - Raxaul, District - East Champaran.
2. Manoj Singh son of late Nirmal Singh
3. Rana Singh alias Rama Singh son of late Mahatma Singh
4. Amol Singh son of late Deepan Singh All respondents no. 2, 3 and 4 are
residents of village - Jokiyari, P.O. Raxaul, P.S. - Raxaul, District - East
Champaran. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar No.III

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-07-2016

Heard Mr. Sunil Kumar, learned counsel for the petitioner.

The present application has been filed for quashing the
award dated 19.10.2011 passed by Permanent Lok Adalat, East
Champaran, Motihari in Partition Suit Case No. 270 of 2011.

The fact is admitted that the present petitioner was not a
party in the proceeding before the Lok Adalat. It has been the
contention of the learned counsel for the petitioner that though he was
not a party but the property belonging to him has been the subject
matter of the proceeding before the Lok Adalat. It has also been
submitted on behalf of the petitioner that a regular Title Suit No. 99 of



2012 has been filed for declaration of his title and possession over the land which also includes the land which has been subject matter of the proceeding before the Lok Adalat with regard to which the award has been passed. Learned counsel for the petitioner has further relied upon a Bench decision of this Court in the case of **Nawal Kishore Prasad Singh Vs. The State of Bihar, 2016 (1) PLJR 935** in support of his submission that the Lok Adalat has no jurisdiction to entertain a dispute with regard to immovable property.

After considering the submissions and the averments made in the application, it is manifest that the petitioner is not a party to the proceeding before the Lok Adalat and he had not been a party to the compromise petition which was the basis of the impugned award. It has, thus, been apparent that the award would not be binding upon the interest of the petitioner in the property as claimed. Even otherwise also in view of the Bench decision in the case of **Nawal Kishore Prasad Singh** (supra) relied upon by the learned counsel for the petitioner, the Lok Adalat has inherent lack of jurisdiction to entertain the dispute in question and pass the award which therefore suffers from the vice of coram non judice. As the petitioner has already filed title suit for declaration of his title and possession over the suit land, this Court is not inclined to interfere in the impugned award by invoking jurisdiction under Article 227 of the Constitution

of India.

The application is accordingly, dismissed.

Devendra/-

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(V. Nath, J)

