

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4998 of 2013

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Sri Baldau Tiwary S/O Kuldip Tiwary Resident Of Village Jamuaon, P.O.
Kurasan, P.S. Bhabhua, District Kaimur (Bhabhua).

.... Petitioner/s

Versus

1. Chandramani Tiwary S/O Late Kalika Tiwary Resident Of Village
Jamuaon, P.O. Kurasan, P.S. Bhabhua, District Kaimur (Bhabhua).
2. State of Bihar through the District Magistrate-Kaimur.
3. The Additional Collector, Kaimur.
4. The Circle Officer, Kaimur, Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 15-02-2016 Heard Mr. Chaudhary, the learned counsel for the

petitioner and the learned counsel for the respondent no. 1 as well

as the State-respondents.

The assail in the present application is to the order
dated 16.05.2012 (Annexure-9) passed by the Lok Adalat
Bhabhua in Misc. Case No. 01 of 2006 whereby the Lok Adalat
has set aside/cancelled its earlier award dated 25.01.2006 passed
in T.S. No. 23 of 2006 and has also observed that after the death of
Satanand Giri his entire property would vest in the State.

A suit was referred to the Lok Adalat under the
provisions of the Legal Services Authorities Act, 1987. Upon the

compromise between the parties, the award was passed by the Lok Adalat on 25.01.2006. Subsequently, however, a petition was filed by the respondent no. 1 who was not a party to the earlier suit for setting aside/cancelling the said award on the ground of fraud. The Lok Adalat, by the impugned order has recorded the finding of fraud and set aside/cancel the earlier award dated 25.01.2006.

Mr. Choudhary, the learned counsel for the petitioner has submitted that the impugned order passed by the Lok Adalat is entirely without jurisdiction and has placed reliance upon the decision of this Court in the case of **Kanti Devi Vs. The State of Bihar, 2012 (2) P.L.J.R. 184.**

The learned counsel for the respondent no. 1, in response, has submitted that the respondent no. 1 had earlier filed a petition for withdrawing the Misc. Case No. 01 of 2006 before the Lok Adalat. It has been further submitted by the learned counsel that the present order by which the award has been set aside/cancelled is entirely without jurisdiction. The learned counsel for the respondent no. 1, however, has also prayed for liberty to the respondent no. 1 to pursue his remedy available to him in accordance with law.

In view of the categorical stand by the learned counsel for the respondent no. 1, this writ application is allowed

and the impugned order dated 16.05.2012 passed by the Lok Adalat in Misc. Case No. 01 of 2006 is quashed.

However, the respondent no. 1 shall be at liberty to pursue his remedy available to him in accordance with law.

(V. Nath, J)

Devendra/-

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