

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3227 of 2013

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Puja Devi W/O Lalan Prasad Patel, D/O Gaya Kurmi R/O Village-
Bahadura, P.O.- Reotith, P.S.- Mohammadpur, District- Gopalganj

.... Petitioner.

Versus

Ganga Prasad S/O Ramyash Rawat R/O Village- Kaithwaalia, P.S.-
Gopalganj, District- Gopalganj

.... Respondent.

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

4 12-01-2016

Heard the learned counsel for the petitioner.

The learned counsel for the sole respondent has
appeared after notice.

The petitioner has called in question the legal
sustainability of the impugned order passed by the Permanent Lok
Adalat, Gopalganj on 24.12.2012 on the basis of compromise
between the petitioner and the respondent. The fact is not disputed
that the respondent filed the petition directly before the Permanent
Lok Adalat, Gopalganj on 24.12.2012 for declaration that the
respondent had acquired the suit land mentioned in Scheduled-I of
the said petition by way of exchange. From the perusal of the said
petition (Annexure-5), it transpires that the present petitioner was
impleaded as sole opposite party. From the order sheet of the



Permanent Lok Adalat as annexed with the present application as Annexure-3, it is apparent that on 24.12.2012 the respondent was directed to make pairvi for notice on the opposite party (petitioner in the present writ application). However, later on the same day, a compromise petition appears to have been filed between the petitioner and the respondent which was accepted by the Permanent Lok Adalat and the matter was disposed of in accordance with the said compromise with direction that the said compromise would be part of the award.

The petitioner, in the present writ application, has questioned the legality, validity and propriety of the impugned award on the ground she had never entered into any compromise with the respondent before the Permanent Lok Adalat and the compromise petition had been prepared after committing fraud and forgery upon the petitioner. The learned counsel for the petitioner in support of the present application has emphasized the aforesaid ground and has also further submitted that the Permanent Lok Adalat in question had no jurisdiction to entertain the petition filed by the respondent and institute the pre-litigation case no.331/2012. It has been canvassed by the learned counsel for the petitioner that the Permanent Lok Adalat can entertain a litigation directly only with regard to the public utility services and it is only



upon the reference by a court or legal services authority that it can entertain a litigation between the two private parties. It has, therefore, been contended that the impugned award has been passed by the authority which has no jurisdiction at all to pass the said award. The learned counsel for the petitioner has also placed reliance upon a decision of this Court in the case of ***Mohan Jee Pathak Vs. The State of Bihar, 2014 (2) PLJR 107*** in support of the proposition relating to the jurisdiction of a Permanent Lok Adalat.

The learned counsel for the respondent has not denied the fact that the award has been passed by a Permanent Lok Adalat in a case instituted after directly accepting the petition by the respondent. Though, the learned counsel for the respondent has further argued that the petitioner has failed to substantiate the contention with regard to fraud and forgery in the compromise petition but has accepted the fact that the Permanent Lok Adalat has no jurisdiction in law to pass the impugned award.

After considering the submissions on behalf of the parties, facts and materials on record, it is manifest that the Permanent Lok Adalat has entertained the direct petition filed by the petitioner for settlement of a purely private dispute with regard to the land as mentioned in Schedule-I of the petition (Annexure-

5). In view of the principles laid down by this Court in the case of ***Mohan Jee Pathak (Supra)***, it is manifest that the Permanent Lok Adalat in question lacked the jurisdiction to entertain the petition filed by the respondent and to pass the impugned award. This Court, therefore, comes to the conclusion that the impugned award cannot be sustained in law.

The writ application is, accordingly, allowed and the impugned award dated 24.12.2012 is quashed. The parties, however, shall be at liberty to take recourse to the legal remedies available to them in accordance with law.

(V. Nath, J)

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