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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15563/2004**

AMRIK SINGH

..... Petitioner

Through Mr.Girdhar Govind with Ms.Neetu
Singh, Advocates.

versus

D.D.A. & ORS.

..... Respondents

Through Mr.M.K.Singh, Advocate for DDA.

% Date of Decision : 4th November, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

C.M.No.16856-16857/2013

Keeping in view the averments in the application, the delay in filing the restoration application is condoned and the matter is restored to its original status.

Accordingly, the applications stand allowed and disposed of.

W.P.(C) No.15563/2004

1. Present writ petition has been filed seeking implementation of the orders/directions passed by the Permanent Lok Adalat, DDA. The prayer clauses in the writ petition are reproduced hereinbelow:-

- a) *Issue an appropriate writ, order or direction in the nature of mandamus, thereby directing the respondent to implement the orders/directions of the learned Permanent Lok Adalat, DDA;*

- b) *Issue an appropriate writ, order or direction in the nature of mandamus, thereby directing the respondent to regularize the plot No.R-536, New Rajinder Nagar, New Delhi in favour of the petitioner in accordance with the directions of the learned Permanent Lok Adalat of the DDA;*
- c) *Award the costs of the present writ petition in favour of the petitioners and against the respondent;*
- d) *Issue any other appropriate writs, orders or directions as are deemed fit and proper in the facts and circumstances of the case.*

2. On 7th September, 2016, attention of learned counsel for the petitioner had been drawn to the judgment of the Supreme Court in ***B.P.Moideen Sevamandir & Anr. Vs. A.M.Kutty Hassan, (2009) 2 SCC 198*** wherein it has been held as under:

“7. It is unfortunate that the learned members of the Lok Adalat and the learned Single Judge totally lost sight of the purpose and scope of Lok Adalats. We may conveniently recall what this Court has said about the scope of Lok Adalats (after referring to the relevant provisions of the Legal Services Authorities Act, 1987), in State of Punjab v. Jalour Singh : (SCC p. 665, para 8)

“8. It is evident from the said provisions that the Lok Adalats have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of a compromise or settlement between the parties at its instance, and put its seal of confirmation by making an award in terms of the compromise or settlement. When the Lok Adalat is not able to arrive at a settlement or compromise, no award is made and the case record is returned to the court from which the reference was received, for disposal in accordance with law. No Lok Adalat has the power to ‘hear’ parties to adjudicate

cases as a court does. It discusses the subject-matter with the parties and persuades them to arrive at a just settlement. In their conciliatory role, the Lok Adalats are guided by principles of justice, equity and fair play. When the Legal Services Authorities Act refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory judicial determination, but a non-adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision-making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat."

8. When a case is referred to the Lok Adalat for settlement, two courses are open to it: (a) if a compromise or a settlement is arrived at between the parties, to make an award, incorporating such compromise or settlement (which when signed by the parties and countersigned by the members of the Lok Adalat, has the force of a decree); or (b) if there is no compromise or settlement, to return the record with a failure report to the court. There can be no third hybrid order by the Lok Adalat containing directions to the parties by way of final decision, with a further direction to the parties to settle the case in terms of such directions. In fact, there cannot be an "award" when there is no settlement. Nor can there be any "directions" by the Lok Adalat determining the rights/obligations/title of parties, when there is no settlement. The settlement should precede the award and not vice versa."

3. Today Mr.Girdhar Govind, learned counsel for the petitioner once again prays for an adjournment to peruse the aforesaid judgment. However, this Court is of the opinion that sufficient time has already

been given to learned counsel for the petitioner to prepare the matter.

4. Keeping in view the aforesaid mandate of law, this Court is of the opinion that the present writ petition seeking implementation of the orders/directions passed by the Permanent Lok Adalat, DDA is not maintainable.

5. Consequently, the present writ petition is dismissed.

MANMOHAN, J

NOVEMBER 04, 2016
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