

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.915 of 2014
IN
Civil Writ Jurisdiction Case No. 243 of 2014**

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Dr. Rabindra Prasad, son of Late Ramchandra Prasad, resident of West Janta Path,
Chandmari Road, Kankarbagh, P.S.-Kankarbagh, District-Patna.

.... Appellant

Versus

1. The State of Bihar through the Additional Collector, Patna.
2. Deputy Collector Land Reforms, Patna Sadar, Patna.
3. Surendra Prasad, son of Late Ramchandra Prasad,
4. Anju Prasad wife of Sri Surendra Prasad,.

Both respondent No. 2 and 4 are resident of Janta Path, Kankarbagh, P.S.-
Kankarbagh, Dist.-Patna.

.... Respondents

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Appearance :

For the Appellant	:	Dr. Anand Kumar, Advocate
For the Respondent State:		Mr. S.Raza Ahmad, AAG-5
		Mr. Md. Kamil Akhtar, AC to AAG-5
For the Respondent No.3 :		Mr. Sandeep Kumar, Advocate
		Mr. Abhishek Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 27-03-2017

Heard counsel for the appellant, counsel for the State as
well as counsel for the private respondent.

A Lok Adalat is not a forum where parties could be
permitted to play fraud against anybody's right and interest without
being impleaded as a party or being heard as a party.

In the present case, a Mega Lok Adalat was held by a
Circle Officer wherein he allowed a mutation application *ex parte*
without the affected party being heard or impleaded. Since the



mutation was allowed and it had a fall out, the private respondents in the writ application, who are also respondents in the appeal, moved the Court of DCLR, who allowed their application and the said order was affirmed by the Additional Collector.

A plea was taken before the learned single Judge that an order of Lok Adalat is sacrosanct and that no appeal etc. is provided, the only remedy could have been by approaching the High Court under Article 226 of the Constitution of India.

The learned single Judge has categorically held that the Circle Officer's order allowing mutation was a nullity in the eyes of law. An order, which is a nullity, does not bind anybody and, therefore, steps taken by the private respondent to get that order set aside by moving the competent authority and its affirmance by the appellate authority was rightly affirmed by the learned single Judge and the writ was allowed.

Such Mega Lok Adalats are not meant to play fraud with anybody's right or with the law. Non-interference with the decision of the Circle Officer would have created havoc so far as the affected parties are concerned.

There is nothing illegal about not interfering with the order of the DCLR or the Additional Collector in the writ application and the writ was rightly dismissed. Even the appeal is fit to be



dismissed.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

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