

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1356 of 2013
IN
Civil Writ Jurisdiction Case No. 2283 of 2013**

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1. Ashish Kumar Son Of Sri Sunil Prasad Singh Resident Of Mohalla- Mohanpur Road, Police Station- Samastipur (Muffasil), District- Samastipur
2. Sunil Prasad Singh Son Of Late Laxmi Narayan Singh Resident Of Mohalla- Mohanpur Road, Police Station- Samastipur (Muffasil), District- Samastipur
3. Anish Kumar Son Of Sri Sunil Prasad Singh Resident Of Mohalla- Mohanpur Road, Police Station- Samastipur (Muffasil), District- Samastipur

.... Appellant/s

Versus

1. Vishundeo Prasad Singh S/O Late Laxmi Narayan Singh Resident Of Village- Bhagwanpur Kamla, Police Station- Ujjiarpur, District- Samastipur, Presently Residing At Mohanpur Road Near D.A.V. Junior Wing Campus, Police Station- Samastipur (Muf.), District- Samastipur
2. Anil Prasad Singh S/O Late Laxmi Narayan Singh Resident Of Village- Bhagwanpur Kamla, Police Station- Ujjiarpur, District- Samastipur, Presently Residing At Mohalla- Mohanpur Road Near Chandra Petrol Pump, Police Station- Samastipur (Muf.), District- Samastipur (since dead and substituted vide order dt 17.2.2017)
2 (A). Sushant Anil S/o Late Anil Prasad Singh, Resident Of Village- Bhagwanpur Kamla, Police Station- Ujjiarpur, District- Samastipur, Presently Residing At Mohalla- Mohanpur Road Near Chandra Petrol Pump, Police Station- Samastipur (Muf.), District- Samastipur
3. The State Of Bihar
4. The Bihar State Legal Service Authority, Patna Through Its Secretary In Front Of Patna Museum, Police Station- Kotwali, District- Patna
5. The Lok Adalat, Samastipur Through Its Secretary, District Legal Service Authority Samastipur, Police Station- Samastipur, District- Samastipur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr Y.V.Giri, Sr. Advocate
Mr. Choudhary Shyam Nandan
For the Respondent/s : Mr. Pushkar Narain Shahi, Sr. Advocate
Mr Ravindra Kumar

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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: 17-04-2017



Heard learned senior counsel for the appellants and learned senior counsel representing the private respondent no.1.

The preliminary objection raised on behalf of private respondent that the appeal is not maintainable against an order passed under Article 227 of the Constitution of India under Letter Patent Appeal jurisdiction, seems to be valid in terms of the decision rendered by a Division Bench in the case of *Imteyaz Ahmad v. State of Bihar & ors., reported in 2017 (1) PLJR 30.*

Submission of learned senior counsel for the appellants that the correctness or otherwise of the decision of the so-called “Permanent Lok Adalat” could not have been decided under Article 227 is a misnomer and misplaced kind of submission to make because the power of the Writ Court has to be exercised as power of supervision under Article 227 of a decree passed by a Permanent Lok Adalat.

The Court is also constrained to note that forums of Permanent Lok Adalat are being misused by dishonest litigants in connivance with certain Judicial Officers, who have superannuated and are invited to man such forums. Such cases of misuse have trickled down to this Court on one to many occasions. Besides, the learned Single Judge has taken note of the jurisdiction and the subjects on which power can be exercised by such Lok Adalats and



rightly come to a finding that a partition suit cannot be filed directly in a Lok Adalat.

The decision of the learned Single Judge even on merit seems to be absolutely correct in law. In fact, such cases should be discouraged by coming down heavily on such litigants by imposing extraordinary cost upon them.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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AFR/NAFR	AFR
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