

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16271 of 2002 (O&M)
Date of decision: 28.2.2017

State of Haryana

.. Petitioner

v.

Ram Sarup Awasthi and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Ms. Palika Monga, Deputy Advocate General, Haryana.
Mr. Hemant Sarin, Advocate for respondents No. 1 to 3,
5 and 6.

...

Rajesh Bindal J.

The State has challenged the order dated 12.10.2000, passed by Lok Adalat in this court, whereby noticing the stand taken by Chaman Lal Patwari, who was present in court at that time, that recommendation has been made for excluding the land of the petitioners (respondents No. 1 to 6 herein) from acquisition, the writ petition was allowed directing the State not to acquire the land. The only grievance made by the petitioner is that Lok Adalat could decide the case only on the basis of consent of the parties and did not have jurisdiction to decide the same on merits.

Learned counsel for respondents No. 1 to 3, 5 and 6, submitted that on the same date, three writ petitions bearing CWP Nos. 3859, 3860 and 3861 of 1995 were decided. The State has chosen to challenge the order passed by Lok Adalat in CWP No. 3860 of 1995 by filing miscellaneous application. The application was dismissed as not maintainable vide order dated 17.8.2001. The orders passed in CWP Nos. 3859 and 3861 of 1995 have not been challenged, however, he did not dispute the fact that Lok Adalat could not have decided the issue on merits. He further submitted that in case order passed by Lok Adalat is set aside, the matter will have to be decided on merits by this court.

After hearing learned counsel for the parties, we find that the order dated 12.10.2000, passed by Lok Adalat deciding the writ petition on merits without consent of the parties was totally without jurisdiction as Lok Adalat could not have delved upon the merits of the controversy and decided the same, hence, the same is set aside. CWP No. 3860 of 1995 is restored to its original number. The same shall now be listed as per roster.

The present petition stands disposed of accordingly.

(Rajesh Bindal)
Judge

(Sneh Prashar)
Judge

28.2.2017
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No