

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Civil Writ Petition No.14258 of 2012
Date of Decision: March 30, 2017

**Superintendent, Post Office, Ferozepur Division, Department of Posts &
others**

...Petitioners

Versus

Permanent Lok Adalat (Public Utility Services), Ferozepur & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

Present: Mr.Namit Kumar, Advocate,
for the petitioners.

Mr.Vinod Khunger, Advocate,
for respondent Nos.2 & 3.

Mr.Sunil Narang, Advocate,
for respondent Nos.4 and 5.

AMIT RAWAL, J. (Oral)

Grievance of the petitioners in the present writ petition is short and straight that while returning the complaint of the respondents to avail alternative remedy, a direction had been issued to the police to lodge an FIR for commission of offences punishable under Sections 407, 409, 467, 468, 471, 419 and 420 IPC against the concerned officials of the Postal Department, Ferozepur, New Delhi and other relevant places, officials of the then Centurian Bank, Rohini, New Delhi and Mukesh Jain son of Dinesh Jain.

Mr.Namit Kumar, learned counsel representing the petitioners submits that the Lok Adalat should not have issued this direction, which is

against the provisions of sub-section (7) of Section 22-C of the Legal Services Authority Act, 1987 and, thus, there was no occasion for returning the complaint, in essence such type of jurisdiction should not have been exercised by the members of the Lok Adalat and, thus, the same is without jurisdiction. In support of his contention, relies upon the ratio decidendi culled out in **Kotak Mahindra Old Mutual Life Insurance Ltd.and others Versus Permanent Lok Adalat and another, 2016 (4) PLR 547 and Tata Teleservices Limited Versus Kulwinder Singh and another, 2016 (5) R.C.R. (Civil) 220.**

On the contrary, Mr.Vinod Khunger, learned counsel for respondent Nos.2 and 3 submits that the complainant had already availed the remedy before the concerned Redressal Forum by filing a complaint. The same has been allowed and the appeal preferred against has been dismissed. He has no objection with regard to expunging and scoring off the direction as indicated above.

I have heard the learned counsel for the parties and appraised the paper book.

In view of the ratio decidendi culled out in the judgments rendered by this Court supra, the jurisdiction of the Permanent Lok Adalat is no longer *res integra* . In my view, the aforementioned direction could not have been passed by the members of the Lok Adalat for registration of the FIR when the complaint was ordered to be returned. The direction, in my view, is without jurisdiction and not sustainable, much less arbitrary. Resultantly, the observations recorded in para 11 of the order dated 3.4.2012, which are being reproduced herein below, are hereby set-aside/expunged while upholding the remaining order under challenge:-

“11. Therefore, the above facts disclose the commission of offences punishable under sections 407, 409, 467, 468, 471, 419 and 420 IPC against the concerned officials of the Postal Department, Ferozepur, New Delhi and other relevant places, officials of the then Centurian Bank, Rohini, New Delhi and Mukesh Jain S/o Dinesh Jain, A-25 Sector 34, Rohini, New Delhi, Date of Birth 12.6.1972.”

Writ petition stands disposed of.

March 30 , 2017
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No