

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15716 of 2014

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Md. Dulare Son of Md. Ayub Resident of Mohalla - Anwarpur, Town - Hajipur,
Police Station - Hajipur, Post Office - Hajipur, District - Vaishali.

.... Petitioner

Versus

1. The State of Bihar through Law Secretary, Govt. of Bihar, Patna.
2. Md. Imran @ Md. Alej
3. Md. Pyare Both sons of Md. Ayub
4. Md. Ayub Son of Late Md. Ishak. All (Sl. No. 2 to 4) resident of Mohalla -
Anwarpur, Police Station - Hajipur Town, Post Office - Hajipur, District -
Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ratna Deep Prasad

For the Respondent/s : Mr. SC6- M.K. SINGH

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 22-03-2018

Heard both sides.

The petitioner filed this writ petition to quash the Judgment
and Award dated 18.07.2008 passed by Permanent Lok Adalat,
Vaishali at Hajipur in Pre-Litigation Case No.173 of 2008 (Annexure-
1 & 1/A).

The facts are very short:- the respondent no.2 filed petition
before Permanent Lok Adalat, Vaishali at Hajipur bearing Pre-
Litigation Case No.173 of 2008 for partition of the property. The
respondent no.2 filed compromise petition and father of respondent
no.1 and 2 is said to have also put signature on the compromise
petition on which the Presiding Officer of Permanent Lok Adalat



passed Award on 18.07.2008.

Learned counsel for the petitioner submits that the petitioner is one of the sons of respondent no.4 but he was not made party in the petition. No permanent Lok Adalat is constituted under the Legal Services Authority Act. All the Lok Adalats of the District of Bihar have been constituted under Section 19 of the Legal Services Authorities Act. Lok Adalat has got no jurisdiction to entertain any Pre Litigation petition. Permanent Lok Adalat has got jurisdiction to entertain petition before the litigation started but the dispute should be with regard to the public utility services.

Mr. S.S. Dwivedi, learned Senior counsel appearing on behalf of the petitioner submits that the Lok Adalat has traveled beyond its jurisdiction and this court in a Judgment **reported in 2014(2) PLJR**, in the case of **Mohan Jee Pathak Vs. The State of Bihar through the Registrar, Civil Court, Buxar & Ors** held that *“Lok Adalats having regular and continuous status in the districts is not empowered to entertain pre litigation cases and such existing Lok Adalat is inadvertently called Permanent Lok Adalat”*.

On the other hand, learned counsel for the respondent no.4 controverted the contention of the learned counsel for the petitioner. Learned counsel for respondent no.2 and 3 contended that a Division Bench of this Court in the Case of **Srinivas Rai Vs. Mahendra Rai**,



reported in **2014(1) PLJR**, in para-5 of the Judgment held that “*the reference to the Lok Adalat may therefore be at the pre-litigation stage or may be made by the Court. When the matter is referred to the Lok Adalat pursuant to Section 89 of the Code of Civil Procedure*”.

Having considered the submissions and on perusal of the records, I find that the Lok Adalat constituted under Section 19 of the Legal Services Authority Act has got no jurisdiction to entertain any pre-litigation petition and decide the same on compromise. Therefore, I find that the order passed by the (Permanent) Lok Adalat on compromise at pre-litigation stage is without jurisdiction.

Accordingly, the order dated 18.07.2008 is set aside and this writ petition is allowed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2018
Transmission Date	NA

