

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2853 of 2018

- =====
1. The State of Bihar
 2. The Collector, Nawada.
 3. The Special Land Acquisition Officer, Patna Flood Protection Project, Patna.
- Petitioner/s

Versus

1. Most. Kaliyamati @ Kalawati Devi, W/o Late Jaddu Sao, R/o Village - Hardiya, Sec - 'C', P.S. - Rajauli, District - Nawada.
2. Muna Sao, S/o Rameshwar Sao, R/o Village - Hardiya, Sec - 'C', P.S. - Rajauli, District - Nawada.
3. Puspa Devi, S/o Late Sanjeev Sao, R/o Village - Hardiya, Sec - 'C', P.S. - Rajauli, District - Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Krishna
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT
Date: 11-09-2018

Heard learned counsel for the parties.

2. Writ application has been preferred by the State of Bihar, under Article 226 of the Constitution of India, for quashing the award dated 12.12.2015 passed by the Lok Adalat held at Patna High Court, Patna vide Annexure-6.

3. First Appeal No. 298 of 2013 was pending before this Court which was brought by the State of Bihar through the Collector, Nawada against award passed in a land acquisition reference case by the competent civil court. The aforesaid first appeal was placed before the Lok Adalat and the same was withdrawn by the appellant, pursuant to policy decision of the State vide Notification No. 14/DLA-NITI (First Appeal)-113/13-943/Ra, dated 17.08.2015 at



Annexure-5, whereby it was resolved that the matter wherein claim of compensation is up to Rs.5,00,000/- (five lakhs), the State shall withdraw those appeals under which the compensation amount is challenged. The learned AAG-8 had appeared on behalf of the petitioners before the Lok Adalat. The decretal amount of Rs.4,50,000/- was agreed to be deposited within three months by the appellant which the respondents were free to withdraw.

4. There is no disagreement at the Bar that every award of a Lok Adalat shall be deemed to be a decree of a Civil Court and shall be final. Further it cannot be challenged in appeal in view of the provisions of Section 21 of the Legal Services Authority Act, 1987. The award can be challenged only, when a fraud has been played in obtaining the award of the Lok Adalat, before the appropriate forum.

5. In the present case, there is no material to substantiate that fraud was played by any of the parties in obtaining the impugned award.

6. However, contention of the learned counsel for the petitioners is that in the year 2016 (apparently after the award of the Lok Adalat) some inquiry was held in the referred land acquisition matter known as acquisition for “Fulwariya Jalasaya Yojna”. The inquiry revealed that fraud was played and some collusive order was passed in getting the matter referred under Section 18 of the Old Land



Acquisition Act to the Court. Inquiry further revealed that even the references were not properly contested by the State Authorities. All these discrepancy and malice revealed only after 12 years of the passing of the award. In view of the inquiry report, submission is that the matter appears to be a case of fraud of public money of huge quantity. A letter of the Joint Secretary-cum-Director, Land Acquisition and Rehabilitation, Water Resources Department, Government of Bihar addressed to the Special Land Acquisition Officer, Patna, Flood Protection Scheme dated 27.12.2016 has been placed on record to support the assertion that inquiry has been conducted in the matter and some collusive discrepancy has been noticed.

7. In my view, the inquiry report, if any, as submitted by learned counsel for the petitioners may be a ground for taking appropriate action against the authorities and beneficiaries involved in collusive references of the land acquisition cases to the Court. However, that cannot be considered as a ground to set aside the award of the Lok Adalat because no fraud was played with the Lok Adalat. Rather, the State-appellant withdrew the first appeal during hearing of the matter before the Lok Adalat in pursuance of the policy decision of the State Government to withdraw all the appeals relating to payment of compensation wherein amount of compensation to be



awarded involved Rs.5,00,000/- (rupees five lacs) or less.

8. Therefore, there is no merit in this writ application.

Accordingly, it stands dismissed as devoid of any merit.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	13.09.2018
Transmission Date	N.A.

