

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

W.P.No.28085 of 2016

Date: 16.08.2018

Between:

The Mangalagiri Municipality,
represented by its Commissioner,
at Mangalagiri,
Guntur district.

...

Petitioner

And

The Mandal Legal Services Authority,
at Courts Complex,
Mangalagiri Town,
Guntur district
and three others.

...

Respondents



Counsel for the Petitioner : Mr. Venkateswarlu Nimmagadda

Counsel for the Respondents: G.P. for Home (AP) for R3 and 4

The Court made the following:

Order (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of mandamus to set aside order dated 30.07.2016 in PLC.No.289 of 2016 on the file of respondent No.1

2. Counsel for the petitioner has filed proof of service on respondent No.2, the contesting respondent in the writ petition, at whose instance, the impugned Lok Adalat Award has been passed. However, he has not entered appearance.

3. We have heard Mr.Venkateswarlu Nimmagadda, learned counsel for the petitioner and Mr.J.Anil Kumar, learned Standing Counsel representing respondent No.1.

4. Respondent No.2 approached respondent No.1 with the plea that he has read the Eenadu news paper dated 23.07.2016, as per which, the petitioner was proceeding to lay dividers at Gowtham Budda Road and at many other places by closing the access to railway station and bus stand at Gowtham Budda road, which if done, would cause a lot of inconvenience to the public.

5. It is the pleaded case of the petitioner that respondent No.1 issued notice to it on 26.07.2016, that the same was received by it on 30.07.2016 at 10.55 a.m. and that as the case was posted before respondent No.1 on the same day, the Assistant Engineer of the

petitioner appeared before it and requested for a short time to file counter as he has received notice just before his appearance on the same day. That, the Assistant Engineer also represented to respondent No.1 that the work has already commenced, but without granting time, respondent No.1 has passed the impugned Lok Adalat Award. The said Award to the extent it is relevant, reads as under:

“Notices are given to the respondents and the respondents are appeared before this Authority. They did not file any counter affidavit justifying their action. Further, the Assistant Engineer, first respondent officer present. According to him, the work is already started. If it is completed, adversely causing inconvenience to the public. Further, on hearing the petitioner, it is noticed by the undersigned that the regular traffic from Guntur to Mangalagiri of RTC Buses was asked to go through bypass road. While is going to cause lot of loss of money to the RTC and also inconvenience to the poor people.

In view of the matter, the facts and circumstances stated above, the respondents are directed to ***maintain status-quo until further orders***. In case of failure, it will be viewed serious against the respondents. Further, the respondent should borne in mind that Lok Adalath is a Court within the meaning of Section 2 of Legal Services Authority Act, 1987 and any failure to obey the Lok Adalath Orders, it will amounts to contempt. Lok Adalath is purely meant for speedy justice and solve the problem simply, the respondents are duty bound to obey the orders passed by the Lok Adalath”.

6. The learned counsel for the petitioner submitted that under the Legal Services Authorities Act, 1987 (for short ‘the Act’) and the regulations made thereunder, respondent No.1 does not have adjudicatory power and much less, the power to grant an interim

order. This submission is not disputed by the learned Standing Counsel for Legal Services Authority.

7. Under Section 19 (5) of the Act, the Lok Adalat shall have jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute in respect of a pending case or any matter which is falling within its jurisdiction, and is not brought before any court for which the Lok Adalat is organized. Under Section 20 (5) of the Act, where no Award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at by the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

8. In **STATE OF PUNJAB AND ANOTHER VS. JALOUR SINGH AND OTHERS (Civil Appeal No.522 of 2008 dated 18.01.2008)**, the Supreme Court held that the Lok Adalat can exercise only administrative jurisdiction but not adjudicatory jurisdiction and that, therefore, where no settlement is reached between the parties, it has no option, other than closing the case if it is a pre-litigation case and by referring the case back to the court, if it is a pending case. In the instant case, which is a pre-litigation case, no settlement was reached between the petitioner and respondent No.2. Therefore, till a settlement is arrived at, respondent No.1 has no jurisdiction to pass any order, much less, an order which is interim in nature, which

could be passed only by a court of competent jurisdiction in the process of adjudication of a dispute.

9. For the aforementioned reasons, the impugned order is quashed. The writ petition is, accordingly, allowed.

10. As a sequel to the disposal of the writ petition, I.A.No.1 of 2016 (WPM.P.No.34793 of 2016) shall stand disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad,J)

Date: 16th August, 2018

msb



