

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.19346 of 2010

Between:

Municipal Corporation, Warangal

..Petitioner

and

Dr.V.Ramesh and others

..Respondents

JUDGMENT PRONOUNCED ON: 16th August, 2018

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

1. Whether Reporters of local
Newspapers may be allowed : Yes/No
to see the Judgments?

2. Whether the copies of
judgment may be marked to : Yes/No
Law Reporters/Journals?

3. Whether their Ladyship/Lordship
wish to see fair copy of the : Yes/No
Judgment?

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

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

+ WRIT PETITION No.19346 of 2010

% 16.08.2018

Municipal Corporation, Warangal

..Petitioner

Vs.

\$ Dr.V.Ramesh and others

..Respondents

! Counsel for the petitioner: None appeared

Counsel for respondent No.1: Mr.Hari Sreedhar

Counsel for respondent No.2: Government Pleader
for Home (T.S.)

Counsel for respondent No.3: --

<Gist :

>Head Note:

? Cases referred:

AIR 2008 SC 1209

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for Home (T.S.)

Counsel for respondent No.3: --

The Court made the following:



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

This writ petition is filed for issue of *certiorari* to quash orders, dated 31.07.2010 and dated 02.08.2010, in Pre-Litigation Case No.2387 of 2010 on the file of respondent No.3.

2. At the hearing, the learned counsel for the petitioner is not present. Though the name of Mr.Hari Sreedhar, learned counsel, is shown on respondent No.1's side, his appearance is not available on file. However, a perusal of the record shows that respondent No.1 has been served and he is not represented by any counsel at the hearing.

3. We have perused impugned order, dated 31.07.2010, passed in Pre-Litigation Case No.2387 of 2010 filed by respondent No.1, which reads as under.

“Registered as P.L.C.No.2387/2010, in view of apprehended threat of demolition of compound wall of ground plus three storied building including pent house and cellar in premises No.2-5-8/1, Ramnagar, Hanamkonda, which is reported to have already commenced, I direct the Commissioner, Municipal Corporation, Warangal, to stop further acts of demolition forthwith and afford a reasonable opportunity of hearing to the petitioner and his Counsel, by fixing a date and show cause by 16.8.2010, why should not the ad-interim direction be made absolute.”

Two days later, respondent No.3 passed another order, which is as follows.

“Order

Upon motion made unto this Court by Mr.J.Satyanarayana Murthy, Counsel for petitioner and upon perusing the affidavit of the petitioner and documents filed in this matter and after hearing the said Counsel, this Court doth order that:

In view of the circumstances stated by the petitioner in the accompanying affidavit, the Superintendent of Police, Warangal, is directed to cause render Police assistance to the petitioner for enforcement of the Order granted by the Special Bench of Daily Lok-Adalat, Warangal, on 31.07.2010 in P.L.C.No.2387 of 2010, on deposit of necessary fees for the Police Personnel so deputed to render Police assistance.

Issue notice along with a copy of the Order to the respondent returnable by 16th August, 2010.”

4. No counter-affidavit is filed by respondent No.3.

It appears from the impugned orders that respondent No.3 has exercised his power in the capacity as the Chairman of the Permanent Lok Adalat. Under Section 19(5) of the Legal Services Authorities Act, 1987 (for short ‘the Act’), the Lok Adalat is vested with the jurisdiction to pass award based on a compromise or settlement between the parties to a

dispute. In **State of Punjab v. Jalour Singh**¹, the Supreme Court held that the jurisdiction exercised by the Lok Adalats under the Act is purely administrative and not adjudicatory in nature. Such being the case, in our opinion, respondent No.3 is denuded of the jurisdiction to issue direction in the nature as issued by him by impugned order, dated 31.07.2010, and the further direction, *vide* order, dated 02.08.2010, to the Police to render assistance to respondent No.1 for enforcement of order, dated 31.07.2010.

5. In the above view of the matter, both the impugned orders are quashed. The Writ Petition is, accordingly, allowed.

6. As a sequel to allowing the writ petition, W.P.M.P.Nos.24499 and 24500 of 2010 filed by the petitioner for interim reliefs stand disposed of.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

16th August, 2018

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¹ AIR 2008 SC 1209