

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.41150 of 2018

Date: 15.11.2018

Between:

Gounipalli Nagamunemma,
W/o Ramachandraiah

... Petitioner

And:

The State of Telangana
Rep. by its Prl.Secretary
Law & Legislative Dept.,
Amaravathi and 2 others

...Respondents

Counsel for the petitioner: Mr. Raja Reddy Koneti

Counsel for respondent No.1: GP for Law & Legislature (AP)

Counsel for respondent No.2: Mr. J.Anil Kumar,

SC for State Legal Services Authority

The Court made the following:

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

Feeling aggrieved by notice, dated 20.7.2018, issued by respondent No.2-Permanent Lok Adalat for Public Utility Services, Kadapa, to the petitioner, after numbering the Pre-litigation case instituted by respondent No.3 without notice to her, she has filed the present Writ Petition.

At the hearing, Mr. Raja Reddy Koneti, the learned counsel for the petitioner, submitted that as the dispute raised by respondent No.3 does not pertain to public services, the Permanent Lok Adalat cannot either number the dispute or adjudicate the same on merits without the consent of the petitioner. In support of his submission, he referred to and relied upon Section-20(2) of the Legal Services Authorities Act, 1987, (for short 'the Act') read with Rule-12(2) of the National Legal Services Authority (Lok Adalats) Regulations, 2009 (for short 'the Regulations').

Under the proviso to Sub-section-(1) of Section-20 of the Act, the Lok Adalat shall not refer any pending case falling under Section-19(5)(i) or any matter which is falling within the jurisdiction of and is not brought before any court for which the Lok Adalat is organized, under Section-19(5)(ii), except after giving a reasonable opportunity of being heard to the parties. A similar proviso is inserted after Sub-section-(2) of Section-20 of the Act.

Regulation-12 (2) of the Regulations referred to above also incorporated a similar provision. The sum and substance of these provisions is that before reference of any dispute, either pending or at pre-litigation stage is made, the authority concerned shall have to necessarily give the other party a reasonable opportunity of being heard.

As rightly submitted by the learned counsel for the petitioner, before hearing the petitioner, the Lok Adalat ought not to have numbered the case without first being referred. To this extent, respondent No.2 has committed an error. Mere numbering of the case however has not caused any prejudice to the interests of the petitioner. Even if the case was numbered, still respondent No.2 is bound to follow the principles of natural justice adumbrated in the provisos to Section-20 (1) of the Act and Regulation-12 (2) of the Regulations, referred to above. Therefore, it will suffice if the impugned notice is treated as the notice issued by the Permanent Lok Adalat at pre-reference stage, so that the petitioner would be given an opportunity to oppose reference of the matter to Lok Adalat, if she is so advised.

In this view of the matter, we are not inclined to interfere with the further proceedings of respondent No.2 in pursuance of the impugned notice. Respondent No.2 shall, however, act strictly in accordance with the power and jurisdiction consecrated on it

under Section-20 of the Act. Respondent No.2 shall also take corrective steps in following the procedure in matters of similar nature in future, *i.e.*, not to number the pre-litigation cases before the opposite party is put on notice and heard.

Subject to the above observations and directions, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, IA.No.1 of 2018 filed by the petitioner for interim relief is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE T.AMARNATH GOUD

15th November, 2018
dr

