

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT APPEAL NO.1956 OF 2017

JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

Heard Sri S.Sriram, learned counsel for the appellant and Sri P.Jagadish Chandra Prasad, learned counsel for the respondent-writ petitioners and, with their consent, the Writ Appeal is disposed of at the stage of admission. This appeal, under Clause 15 of the Letters Patent, is preferred by the High Court, represented by the Registrar (Judicial), aggrieved by the order passed by the learned Single Judge in WP.No.7459 of 2012 dated 12.07.2017.

Respondents 1 and 6 are brothers. Respondents 2 and 3 are the sons of the first respondent, and the seventh respondent is the wife of the sixth respondent. Respondents 1 to 3 herein filed WP.No.7459 of 2012 to declare the action of the Land Acquisition Officer in trying to issue cheques, towards compensation for acquisition of the subject house, in favour of respondents 6 and 7 as arbitrary and illegal. A consequential direction was sought, in the Writ Petition, to the Land Acquisition Officer not to pay compensation to respondents 6 and 7 herein.

In the order under appeal, the learned Single Judge observed that the matter could be settled in the Lok Adalat amicably; even counsel for both the parties had agreed that there was a possibility to settle the issue in the Lok Adalat; and they undertook to inform the parties of the decision of the Court. The Registry of the High Court was directed to make over the file to the Court of the Senior

Civil Judge, Puttur for amicable settlement, and for issuance of notice to the parties.

The Registrar (Judicial), representing the High Court, has preferred this appeal contending that the directions issued by the learned Single Judge are contrary to the procedure contemplated under Sections 19 and 20 of the Legal Services Authority Act, 1987 ("the Act" for brevity); the subject matter of the Writ Petition, and the relief sought for therein, is within the jurisdiction of the High Court; the said Writ Petition could only have been referred to a Lok Adalat organised for the High Court, and not to the Lok Adalat organised for a subordinate Court including the District Court; Section 19(5) of the Act confers jurisdiction on a Lok Adalat with reference to the Court for which it is organised, and the subject matter which it has jurisdiction to hear; emphasis is on the jurisdiction of the Lok Adalat, with regards the Court for which it was organised and it has jurisdiction to hear the matter; and since it is only the High Court which has jurisdiction to hear these matters, the dispute could not have been referred for settlement before the Senior Civil Judge, Puttur.

This appeal is preferred only against that part of the order of the Learned Single Judge whereby the dispute in a Writ Petition was referred to the Senior Civil Judge, Puttur. Since it is only the High Court which has jurisdiction to hear Writ Petitions, filed under Article 226 of the Constitution of India, it is only the High Court Legal Services Committee which can place the matter before the Lok Adalat organised for the High Court. The order under appeal is modified and, instead of the direction to the Registrar (Judicial) to refer the dispute to the learned Senior Civil Judge,

Puttur, there shall be a direction to him to refer the matter to the High Court Legal Services Committee for its consideration whether such a dispute can be placed in the ensuing Lok Adalat for its settlement.

The Writ Appeal is disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

21st March 2018
RRB

