

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6513 of 2008

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1. Bihar State Co-operative Land Development Bank Limited, Budh Marg, Patna through its Managing Director.
 2. Bihar State Co-operative Land Development Bank Limited, Motipur Branch, Muzaffarpur through Branch Manager.

... .. Petitioners.

Versus

1. Bihar State Legal Services Authority, White House, opposite Museum, Budh Marg, Patna through its Member Secretary.
2. Kameshwar Kumar, son of late Tapi Prasad Kumar, resident of village & P.O. Jagdishpur, P.S. & Block-Sahebganj, District-Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Rajesh Prasad Choudhary
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-01-2019 Heard learned counsel for the petitioners and the State.

Following is the relief, sought for by the petitioners in the present writ application:

“For quashing the award dated 22-07-2006 passed in the Dispute Case No. A/C No. 234/FD 9 Spl/128 given by the Presiding Officer, Special/Mobile Lok Adalat (Camp Lok Adalat) Saraiya, Muzaffarpur whereby and whereunder the said dispute was disposed of with direction to the respondent, Kameshwar Kumar to deposit only a sum of Rs. 61,000.00 and rest of the balance outstanding amount was waived”.

The award dated 22-07-2006 passed in Dispute Case No. A/C No. 234/FD 9 Spl/128 was said to be given by the Lok



Adalat, Muzaffarpur. Notice was issued upon the respondent No. 2. Following is the office note dated 20-04-2015 in respect of service of notice upon the respondent No. 2:-

“Notice was issued upon respondent No. 2 by both processes i.e. ordinary as well as Regd. Cover with A/D. The respondent No. 2 perused the notice but did not receive the receipt as per process server report dated 27-08-2011M. 2985. In this regard, either the notice may be validly served or fresh notice be served upon respondent No. 2 by the learned counsel”.

In pursuance to the office note dated 20-04-2015, the notice upon the respondent No. 2 was accepted to be valid by order dated 21-04-2015.

None appears on behalf of respondent No. 2.

The petitioner No. 1 is Bihar State Co-operative Land Development Bank Limited. It is an Apex Cooperative Society registered under the Bihar and Orissa Co-operative Society Act, 1935 (now it is Multi State Cooperative Society under the provisions of Section-103 of the Multi State Cooperative Society Act, 2002). In the light of the direction of the Reserve Bank of India, one time settlement scheme was launched on behalf of the petitioner. Section 22-B of the Legal Services Authorities Act, 1987 is with regard to the establishment of Permanent Lok Adalat for exercising such jurisdiction in respect



of one or more public utility services and for such areas as may be specified in the Notification. Section 22-C deals with the cognizance of cases by the Permanent Lok Adalat and Section 22-D is with regard to the procedure of Permanent Lok Adalat. On behalf of the petitioner, it is further submitted that the Special/Mobile Lok Adalat has no jurisdiction to pass an award and as such, the award itself is a nullity. The award passed by the Special/Mobile Lok Adalat suffers for want of jurisdiction. The petitioner has further relied upon the order passed in CWJC No. 5404 of 2008. In the said case, relying upon a decision dated 25-10-2013 passed in CWJC No. 8734 of 2008 (Mohan Jee Pathak & Ors. Vs. The State of Bihar & Ors), the learned High Court has quashed the similar award.

Considering the submissions made on behalf of the parties, the award dated 22-07-2006 passed in the Dispute Case No. A/C No. 234/FD 9 Spl/128 is quashed.

This writ application is *allowed*.

(Sudhir Singh, J)

A.K.V.//-

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