

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11808 of 2010

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1. Puja Singh, W/O Sri Santosh Singh, R/O Village- Unaw, P.S.- Brahampur, Distt.- Buxar
 2. Prianka Singh, W/O Sudhir Singh, R/O Village- Majhaun, P.S.- Ara, Distt.- Ara

... .. Petitioner/s

Versus

1. The State of Bihar
 2. The Presiding Officer, Permanent Lok Adalat, Buxar
 3. Sudhir Kumar Singh @ Sudhir Pratap Singh, S/O Sheoji Singh, R/O Village- Itadhi, Distt.- Buxar, Present Address At Mohalla- Kuwar Singh Colony, Charitrawan, Buxar, P.S. Buxar Nagar, Distt.- Buxar
 4. Sheoji Singh, S/O Late Radha Raman Singh
 5. Achay Kumar Singh, S/O Sheoji Singh
 6. Dewanti Devi W/O Sheoji Singh
- Respondent nos. 4 to 6 are residents of Indaur, P.S.- Itadhi, Distt.- Buxar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. T. N. Maitin, Sr. Advocate Mr. Rajeev Kumar Sinha, Advocate
For the Respondent/s	:	Mr. Harish Kumar, GP-8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

10 15-04-2019 Heard learned counsel for the petitioners and the respondents.

2. The petitioners are aggrieved by the order and award dated 21.07.2009 passed by the Permanent Lok Adalat, Buxar in Pre-Litigation Case No. 168 of 2009.

3. Mr. T. N. Maitin, learned senior counsel appearing on behalf of the petitioners submits that the Lok Adalat, which passed the award in the instant case was not the Permanent Lok Adalat. He submits that the continuing Lok Adalat have no



jurisdiction to entertain the application directly and decide the dispute between the parties. He refers to the judgment of the Division Bench of this Court reported in 2014(4) PLJR 232 to contend that the continuing Lok Adalat can only entertain the dispute, which was referred by a competent civil court or referred by Legal Services Authority and not otherwise. He submits that since the dispute was not referred to by the civil court or by the Legal Services Authority, the exercise of the jurisdiction by the continuing Lok Adalat was a nullity. He next submits that the petitioner was not made party and not heard by the Lok Adalat before passing the award.

4. Mr. Harish Kumar, learned counsel appearing on behalf of State submits that irrespective whether the dispute was referred by the civil court or by the Legal Services Authority, the Lok Adalat was doing the same job to settle the dispute between the parties, but he conceded that in any view of the matter without hearing the parties the Lok Adalat was not justified in passing award, which has adverse impact on the right, title and interest of the petitioners.

5. Admittedly, the petitioners were not the party before the Lok Adalat and without hearing the petitioners, the award was passed by the Lok Adalat.



6. In that view of the matter, the Court has no difficulty in holding that the award passed by the Permanent Lok Adalat (continuing Lok Adalat) is without jurisdiction and the same cannot sustain. Accordingly, the orders as contained in Annexures-3 and 4 dated 21.07.2009 passed by the Permanent Lok Adalat are set aside.

7. It appears that at present the Permanent Lok Adalat is existing and if the parties approach the Permanent Lok Adalat for settlement of the dispute, the Permanent Lok Adalat may after opportunity of hearing to all likely to be adversely affected by the decision shall try to settle the controversy between the parties amicably with the consent of all stakeholders.

8. In view of the above, liberty shall be available to the parties to approach the Permanent Lok Adalat, if they wish, to resolve their dispute amicably by way of order passed by the Permanent Lok Adalat.

9. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

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