

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25314 Of 2014
(Through hybrid mode)

Bankti Dei and others

....

Petitioners

Mr. A.K. Panda
Advocate

-versus-

Naka Majhi and others

....

Opposite parties

None

CORAM: JUSTICE ARINDAM SINHA

Order
No.

ORDER
29.03.2022

6. 1. Mr. Panda, learned advocate appears on behalf of petitioners and submits, a suit was referred to the Lok Adalat and decree made therein. The writ petition is challenge thereto.
2. None appears on behalf of opposite parties. Mr. Panda draws attention to relevant record in order dated 15th March, 2022, reproduced below.

“2. Mr. Mohanty, learned advocate appears on behalf of opposite parties and prays for adjournment.

3. Adjournment granted is peremptory. List on 29th March, 2022.

4. Interim order to continue till next date.”

3. It appears from impugned order dated 27th June, 2004 that the suit was for declaration of right, title and interest over land. It was decreed ex parte against defendant. Mr. Panda draws attention to clause (b) in section 22A of Legal Services Authorities Act, 1987 and submits, public utility service definition given in the clause does not include a dispute regarding title to property.

4. Clearly the Lok Adalat acted without jurisdiction in making impugned order. It dealt with a suit, subject matter of which was dispute on title to property. Apart from subject matter of the suit not being covered by definition of public utility service, there is no indication in impugned order that adjudication was on failure of settlement between the parties.

5. Impugned order is set aside and quashed. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks