

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6393 Of 2022
(Through hybrid mode)

Pahali Nayak

....

Petitioner

Mr. R.N. Behera
Advocate

-versus-

*Secy, District Legal Aid Authority,
Kendrapara and another*

....

Opposite parties

Mr. A.K. Sharma,
AGA

CORAM: JUSTICE ARINDAM SINHA

Order
No.

ORDER
29.03.2022

1. Mr. Behera, learned advocate appears on behalf of petitioner and submits, private opposite party no.2 is falsely claiming relationship with his client. His client is happily married. At instance of private opposite party no.2, impugned notice was issued by District Legal Services Authority for his client to appear before it on 28th March, 2022, at 10.00 a.m. He submits, this notice be quashed.
2. Mr. Sharma, learned advocate, Additional Government Advocate appears on behalf of opposite party no.1 and submits, petitioner should go before the authority and state his case. Mr. Behera responds by relying on judgment of Supreme Court in **Estate Officer**

v. H.V. Mankotia reported in **AIR 2021 SC 4894** to submit, law has been declared to be that the Lok Adalat has no jurisdiction at all to decide the matter on merits once it is found that compromise or settlement could not be arrived at between parties.

3. Section 22C in Legal Services Act, 1987 provides, inter alia, parties should file statement, additional statement and reply, if any, for Lok Adalat to conduct conciliation proceedings between them. Where the parties fail to reach agreement the Lok Adalat is empowered to decide the dispute. Here, the Legal Services Authority has issued notice. It is a stage prior to the matter reaching the Lok Adalat. Petitioner will be well advised to present his case before the authority, since he could take steps to move Court.

4. In view of above observations, there is no necessity for direction to issue notice on private opposite party no.2.

5. The writ petition is disposed of.

(Arindam Sinha)
Judge

Sks