

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 19121 of 2016

1. Indu Devi, w/o Raj Kishore Thakur, r/o vill-Kiratpur Gurudas @
Khabra, PS- Sadar, Dist-Muzaffarpur.

2. Krishna Devi, w/o Ajay Kr. Thakur, r/o vill- Kiratpur Gurudas @
Khabra, PS- Sadar, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.

2. The Principal secretary, Department of Law, Govt. of Bihar, Patna.

3. The Secretary, Legal Services Authority, (Permanent Lok Adalat),
Muzaffarpur.

4. The Member Secretary, Bihar State Legal Services Authority, Patna.

5. Haridwar Rai, s/o Late Jamuna Rai, r/o Vill.-Kiratpur Gurudas @
Khabra, PS-Sadar, PO- Kabra, District-Muzaffarpur.

6. Bharat Rai, s/o late Jamuna Rai, r/o Vill.-Kiratpur Gurudas @ Khabra,
PS-Sadar, District-Muzaffarpur.

7. Sri Bimal Rai, s/o Late Jamuna Rai, r/o Vill.-Kiratpur Gurudas @
Khabra, PS-Khabra, District-Muzaffarpur.

... .. Respondent/s

Appearance:

For the Petitioner/s	:	Mr. Ebrahim Kabir, Advocate
	:	Ms. Shruti Sinha, Advocate
For the Respondent/s	:	Mr. Sanjeet Kumar Singh, AAG 6

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 07-04-2023

1. The present writ petition has been filed for quashing the order dated 05.01.2009, passed by the Ld. Court of Permanent Lok Adalat, Muzaffarpur as also the award dated 05.01.2009,



passed in Pre-litigative Civil Case no. 516 of 2008.

2. The brief facts of the case, according to the petitioners, are that the petitioners are nieces of one Sobhit Rai. It is stated that the uncle of the petitioners namely Sobhit Rai was unmarried and the private respondents herein i.e. the respondents no. 5 to 7 had a bad eye on the properties of the said Sobhit Rai and taking advantage of old age and infirmity, they had got some land gifted in their favor in the year, 2006, however, the said Sobhit Rai had desired to give 55 decimals of land to the petitioners, who were looking after him, an idea which was not liked by the private respondents and their family members, hence, they used to quarrel with the petitioners and their family members with a view to grab the land of the said Sobhit Rai, instead of the same being given to the petitioners. It is the further case of the petitioners that ultimately, the private respondents had filed a Pre-litigative Civil Case no. 516 of 2008, before the Ld. Court of Permanent Lok Adalat, Muzaffarpur for declaration of their right, title and possession over the properties mentioned in the Schedule thereto. Subsequently, it appears that a compromise petition was filed by the private respondents and the said Sobhit Rai and the aforesaid Civil case was disposed of in terms of the compromise petition,



whereafter, an award dated 05.01.2009 was prepared.

3. The learned counsel for the petitioner has submitted that the order and award dated 05.01.2009, passed by the Permanent Lok Adalat, Muzaffarpur is bad in law and is against the provisions and objectives of the Legal Services Authority Act. It is further submitted that the petitioners were looking after the aforesaid Sobhit Rai and he wanted to give 55 decimals of land to the petitioners but the private respondents circumspectly filed the aforesaid Pre-litigative Case no. 516 of 2008 and entered into a compromise, leading to the aforesaid order and award dated 05.01.2009 being passed by the Permanent Lok Adalat, Muzaffarpur.

4. *Per contra*, the learned counsel appearing for the respondents no. 1 to 4 has submitted that firstly, the present writ petition is barred by gross delay and laches, inasmuch the present writ petition has been filed after lapse of about 08 years of passing of the order and award dated 05.01.2009. Secondly, it is submitted that admittedly, the property in question belonged to the aforesaid Sobhit Rai, who was the exclusive owner of the property in question, hence, the petitioners do not have any locus to lay their claim over the property in question. It is



contended that the simple facts of the case are that a Pre-litigative Civil Case no. 516 of 2008 was filed by the private respondents before the Permanent Lok Adalat, Muzaffarpur, wherein it was stated that they had been looking after the said Sobhit Rai as their father and managing his entire affairs, who had acquired the property in question by virtue of sale deed dated 04.01.1956 and was in exclusive possession of the said property apart from the fact that in the revisional survey, the name of the said Sobhit Rai had also been recorded qua the property mentioned in Schedule 1 of the said petition, whereafter final revisional survey khatian was also been prepared which also contains the name of the said Sobhit Rai as the owner of the property in question. It is next contended that a bare perusal of the order/ award dated 05.01.2009, passed in Pre-litigative Civil Case no. 516 of 2008, by the Permanent Lok Adalat, Muzaffarpur would show that a joint compromise petition was filed both by the private respondents and the opposite party of the said case i.e. Sobhit Rai, who were then examined and cross- examined on affidavit filed by them in support of the compromise petition, wherein they had fully supported the factum of execution of compromise petition and only then, the said case was disposed of by an Order dated



05.01.2009, in terms of the compromise petition while recording therein that the compromise petition shall form part of the award. It is also submitted that since the said Sobhit Rai was the exclusive and original owner of the property in question, the petitioners being his nieces have got no locus to interfere in the affairs of the said Sobhit Rai and moreover, it has not been alleged that any fraud has been played, hence, if the said Sobhit Rai had decided to enter into a compromise and give his land, as mentioned in Schedule 1 of the aforesaid petition of the Pre-litigative Civil Case no. 516 of 2008, to the private respondents No. 5 to 7, nobody can have any grouse, thus, the present writ petition has got no merit and is fit to be dismissed.

5. I have heard the learned counsel for the parties and gone through the materials on record, from which it is apparent that one Sobhit Rai was the exclusive and original owner of the property in question which he had given to the private respondents No. 5 to 7 by entering into a compromise with them, by executing a compromise petition, copy whereof was filed before the Ld. Court of Permanent Lok Adalat, Muzaffarpur in Pre-litigative Civil Case no. 516 of 2008 and on the basis thereof the said case was decreed in favor of the private respondents No. 5 to 7, by an Order and award dated



05.01.2009. This Court further finds that admittedly, the property in question belonged to the aforesaid Sobhit Rai, who was the exclusive owner of the property in question, hence, the petitioners do not have any locus to lay their claim over the property in question. Moreover, the petitioners have not alleged that any fraud has been played to obtain the aforesaid Order and award dated 05.01.2009, hence, if the said Sobhit Rai had decided to enter into a compromise and give his land, as mentioned in Schedule 1 of the aforesaid petition of the Pre-litigative Civil Case no. 516 of 2008, to the private respondents No. 5 to 7, nobody can have any grouse, thus there is no ground on which the award of the Lok Adalat can be set aside. Reference in this connection be had to the Judgments rendered by the Hon'ble Apex Court in the case of *State of Punjab Vs. Ganpat Raj*, reported in (2006) 8 SCC 364, in the case of *P.T. Thomas Vs. Thomas Job*, reported in (2005) 6 SCC 478, in the case of *State of Punjab Vs. Jalour Singh*, reported in (2008) 2 SCC 660 and the one rendered in the case of *Shalini Shyam Shetty Vs. Rajendra Shankar Patil*, reported in (2010) 8 SCC 329.

6. Having regard to the facts and circumstances of the case, I am of the considered opinion that in absence of the petitioners



having alleged any fraud to have been committed by any of the parties in obtaining the impugned award dated 05.01.2009 as also for the reasons mentioned hereinabove, the writ petition is sans any merit, hence the same stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	17.08.2023
Transmission Date	NA

