

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-24372-2023 O&M)

Date of decision: 04.12.2023

MUJIBUR REHMAN

.....Petitioner

VERSUS

PERMANENT LOK ADALAT AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Akash Sheoran, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

CM-20349-CWP-2023

For the reasons mentioned in the application, the same is allowed and report of the Tehsildar is taken on record as Annexure P-5.

CWP-24372-2023

1. Challenge in the present writ petition is to the award dated 20.01.2023 (Annexure P-1) passed by respondent No.1-Permanent Lok Adalat, Nuh whereby the application No. 2382 dated 01.06.2018 filed by the petitioner herein under Section 22 (C) of the Legal Services Authorities Act, 1987 was dismissed by the Permanent Lok Adalat, Nuh.

2. Learned counsel appearing on behalf of the petitioner has contended that the crop of the petitioner was insured under the Kisan Credit Card Loan and that in the year 2017, the crops of millet and cotton had been sown by the petitioner. He suffered a loss on account of inadequate rainfall and that the matter was reported to the Revenue officials. A report was thereafter submitted by the Tehsildar stating that the petitioner did suffer a loss and that there was no crop which was left standing. It is contended that notwithstanding the aforesaid report, the petitioner was not granted compensation. Hence, the application under Section 22 (C) of the Legal Services Authorities Act, 1987 was preferred before the Permanent Lok Adalat, Nuh.

3. Learned counsel for the petitioner has been confronted with the fact that the Permanent Lok Adalat (Public Utility Services), Nuh had considered the entire evidence adduced by the petitioner and upon consideration thereof, it was recorded as under:-

“12. The documents placed on file by the applicant as Annexure P1 to P8 are not sufficient to prove that he is entitled to receive the compensation, as there is no document on the file to prove any specific killa number in which the paddy or bajra crops were sown by the applicant, and the same were allegedly destroyed. The applicant failed to produce any document regarding destruction/damage of his ¼ share of 182 kanal 14 marla land. It is not proved by applicant by filing any document about killa no. which were in exclusive possession of the applicant. The officials of revenue department have not prepared the reports regarding the alleged assessment of loss and they are not examined by the applicant in PLA as it is summary procedure, rather it has to be proved by applicant by examining the witnesses in regular Civil

Court to decide the matter regarding damage of the crops.

13. The availability of KCC loan facility by the applicant is not disputed. There is no document on the file produced by the applicant regarding damage of the crops as mentioned in the application. The applicant can approach the competent department/ authority for claiming the compensation as per rules. The applicant filed the present application without filing the claim petition before the competent Board/Committee, that can assess the total claim as per notification of Government.

14. For the reasons recorded above, the application moved by the applicant is hereby dismissed with no order as to costs. Copy of award be communicated to the parties free of costs. File be consigned to record room after due compliance.”

4. He was also confronted with the application submitted by the petitioner to the Tehsildar wherein there is no description of any land on which the cultivation had been undertaken by him and that the report of the Kanungo reiterated by the Tehsildar does not refer to any description of land and merely relies on an information furnished by the Nambardar. It is for the said reasons that the Permanent Lok Adalat, (Public Utility Services), Nuh specifically ruled that the evidence adduced from the record was not sufficient to establish that any specific killa number, in possession of the petitioner was cultivated by sowing paddy, bajra/cotton crops which had been destroyed. In the absence thereof, the Permanent Lok Adalat (Public Utility Services) Nuh felt unable to award any compensation. Liberty was thus granted to the applicant to approach the competent-department/authority for claiming the compensation as per rules.

5. On being confronted with the same, counsel for the petitioner does not press the present writ petition and seeks withdrawal thereof so as to approach the concerned authorities alongwith the requisite documents for consideration of his claim for compensation as per the appropriate policy.

Disposed of as withdrawn with liberty as aforesaid.

(VINOD S. BHARDWAJ)
JUDGE

DECEMBER 04, 2023
Vishal Sharma

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No