

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4629 of 2010

Rana Singh, Son of late Ramadhar Singh, Village and P.O. Baraon, P.S. Nokha, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Chairman, Parmanant Lok Adalat, Rohtas At Sasaram, Distt.- Rohtas
3. Jitendra Singh Minor Son Of Shri Yagubas Singh, Under The Guardianship Of Their Mother And Their Natural Guardian S R/O Vill. And Post Barario, P.S. Nokha, Distt.- Rohtas
4. Shanker Singh Minor Son Of Shri Yagubas Singh, Under The Guardianship Of Their Mother And Their Natural Guardian S R/O Vill. And Post Barario, P.S. Nokha, Distt.- Rohtas
5. Shail Kumari Devi W/O Shri Yadubansh Singh R/O Vill. And Post Barario, P.S. Nokha, Distt.- Rohtas
6. Yadubansh Singh S/O Late Ramadhar Singh R/O Vill. And Post Barario, P.S. Nokha, Distt.- Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Waliur Rahman Mr. Ramanuj Tiwary
For the Respondent/s	:	Mr. GP 2

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 13-02-2024

Heard the parties.

2. This application has been filed on behalf of the petitioner for quashing the order dated 16.11.2006 as well as for quashing the Award passed by the Lok Adalat Sasaram (Rohtas) in Case No. 536 (D) of 2006 by which the case was disposed of on the basis of a compromise petition.

3. The case of the petitioner is that at the time of



her marriage, her parents gifted some money to her and from that she purchased some land bearing Khata No. 197, Plot No. 324 measuring 40 decimals and also some land bearing Khata No. 315, Plot No. 316 measuring 65 decimals through registered sale deed dated 04.01.1983 and after mutation, rent receipt was granted in her favour. After some time of the marriage, the petitioner and her husband namely Yadhubansh Singh who is respondent no. 6 in this writ petition started facing some difficulty in their married life and through a registered partition between them dated 23.12.1987 they were separated. It has further been contended that after the partition, Schedule-A properties went in favour of the husband of the petitioner and Schedule-B properties went in favour of the petitioner including her purchased land. After being separated from her husband, the petitioner started living alone peacefully but her husband started to live with another lady namely Shail Kumari Devi, who is respondent No. 5 in this writ petition.

4. It has further been contended that after 19 years of the partition between the petitioner and her husband, the respondent no. 5, in collusion with respondent no. 6 filed a suit for partition directly in the Permanent Lok Adalat, Sasaram bearing Case No. 536 (D) of 2006 and the husband of the



petitioner was impleaded as defendant no. 1 in the said suit.

5. It has further been contended that the suit was filed by the respondents only to usurp the property of the petitioner which was purchased by her by registered sale deed dated 04.01.1983. It has also been contended that respondent no. 5 and 6, by using improper means, got the Left Thumb Impression of the petitioner and by impersonating the thumb impression, a forged compromise petition dated 10.10.2006 was filed in which it was said that all the property of the petitioner is given to the sons of respondent no. 5 namely Jitendra Singh and Shankar Singh and the Permanent Lok Adalat, Sasaram, vide order dated 16.11.2006 has accepted the compromise petition and the award was prepared without issuing notice to the petitioner.

6. Learned counsel for the respondents has also appeared and he has supported the award and has submitted that the same cannot be challenged and set aside by this Court after such a long period.

7. The question raised by the petitioner has been considered by this Court in the case of *Shyam Babu Sah and Anr. Vs. The State of Bihar and Ors.* vide judgment dated 23.01.2024 passed in *CWJC No. 19179 of 2013*. Paragraphs



Nos. 10 to 13 of the aforesaid Judgment reads as follows:-

10. This Court has been repeatedly holding since long that permanent Lok Adalats have no jurisdiction to decide the civil matters and particularly the partition suits but, this Court is flooded with writ applications challenging the awards which are being obtained by the litigants in civil matters suppressing the facts and by not making the necessary persons as parties before the permanent Lok Adalats.

11. The consistent view of this Court has been reiterated in all the judgments relied upon by the petitioners.

*12. The Division Bench of this Court in the case of **Nawal Kishore Prasad Singh and Ors. Vs. The State of Bihar and Ors. (Supra)** in paragraph 4, 5 and 6 has held as follows :-*

4. We regret that although there have been standing instructions not to entertain property disputes in Lok Adalats, the Lok Adalats in the State of Bihar have a tendency to receive property disputes in Lok Adalats and to record compromise that too at a pre-litigation stage.

5. In absence of proof of title to the property; of identity of the parties and the genuineness of the claims, no decree for title or partition or possession can be passed. The very stage of proving one's case is obliterated when one approaches the Lok Adalat.

6. In the present case, it is obvious that the very petition before the Lok Adalat for partition of the suit property was collusive. A father of the minor children is a natural guardian. In the present case, although the mother of the minor children had died, the guardian of the minor children. Nevertheless, the Lok Adalat had audacity to accept the



petition by the grandfather and his claim to be the guardian of the minor children. Ex-facie, the petition and the compromise were collusive. Such a collusive decree could not have been sustained by the learned Single Judge.

13. This Court in the case of *Lallan Pandey and Anr. Vs. State of Bihar and Ors. (Supra)* in paragraph No. 8, 9, 11 and 12 has held as follows:-

“8. *This Court find force in the submission of learned counsel for the petitioners that even if the petitioners are said to have signed the compromise petition but still the award of the Permanent Lok Adalat has to be quashed in view of the fact that Permanent Lok Adalat can only resolve dispute in relation to public utility services including such service, which the Central or the State Government may declare in the public interest to be public utility services under the provisions of the Legal Services Authorities Act, 1987.*

9. *Similar issue has been decided in the case of **Dhirendra Pratap Singh v. Ravi Kant Singh (supra)**. It will be relevant to quote paragraph nos. 9, 10, 11, 15 and 16 of the aforesaid decision, which read as under:-*

“9. *From the conjoint reading of Section 22-A(a), 22B and 22A(b), it would be evident that “Permanent Lok Adalat” can be established only for exercising jurisdiction in respect of one or more “public utility services” as defined under Section 22-A.*

10. *A “Permanent Lok Adalat”, in view of these provisions can have*



no jurisdiction with respect to any matter other than public utility services as defined under Section 22-A(b).

11. This is also to be noted that these provisions fall under Chapter VI-A of the Act which deals with pre-litigation, conciliation and settlement. From the heading of Chapter VI-A, it will appear that a “Permanent Lok Adalat” shall have no jurisdiction in respect of a matter which had been pending in a court of law. It can have jurisdiction with respect to only such matters which have so far not travelled to the court of law.

15. There are two aspects of the matter, as has been noted above, none of the public utility services within the meaning of Section 22A(b) was the subject matter of the suit. The subject matter of the suit had no connection at all with the public utility services for which Permanent Lok Adalats are established and only over which the Permanent Lok Adalat can have jurisdiction. In the facts and circumstances of the case, in my opinion, the “Permanent Lok Adalat” had no jurisdiction at all to entertain the application filed by the Respondent No. 2 for any purpose whatsoever with respect to the subject matter of the Title Suit No.283 of 2003. The impugned order dated 10.06.2011 passed by “Permanent Lok Adalat” Kaumur at Bhabhua, in



Miscellaneous Case No.06 of 2004 cannot be sustained being absolutely without jurisdiction. Secondly; in any case, a "Permanent Lok Adalat" could not have entertained any dispute which was brought before any court prior to parties approaching to "Permanent Lok Adalat". A "Permanent Lok Adalat" certainly has the jurisdiction even to adjudicate upon the disputes between the parties but only with respect to pre-litigation matters when the dispute relates to one of the public utility services. The "Permanent Lok Adalat" cannot have any jurisdiction to deal with any dispute other than that provided under Chapter VI-A of the Legal Services Authorities Act, 1987.

16. Submission made on behalf of the respondents cannot be accepted in view of the discussions as above. Accordingly, this application is allowed. The impugned order dated 10.06.2011 passed by 'Permanent Lok Adalat', Kaimur at Bhabhua in Miscellaneous case no. 6 of 2004 is set aside."

11. Considering the aforesaid decisions of this Court and also considering the facts of this case, I am of the view that in this case the subject matter of the Partition Suit does not relate to any of the Public Utility Services, over which the Permanent Lok Adalat can exercise jurisdiction. A



Court/Authority having no jurisdiction in the matter cannot be conferred jurisdiction by the parties with their consent and the order passed by the said Court/Authority having no jurisdiction over the subject matter is a nullity in the eye of law. Therefore, this Court is of the opinion that the impugned award of the Permanent Lok Adalat is without jurisdiction.

12. In view of the aforesaid discussions, this application is allowed. Accordingly, the award dated 27.09.2005 passed by Permanent Lok Adalat, Rohtas in Partition Suit No.502 of 2005 is set aside. However, the parties are given liberty to approach the competent Civil Court for partition of their property.

8. Considering the aforesaid submissions and also upon perusal of the materials on record, this Court is of the view that the order passed by an Authority which lacks inherent jurisdiction is no order in the eye of law and in the present case also the Permanent Lok Adalat has no jurisdiction to deal with the civil matters and the same has been done in complete violation of the law laid down by this Court.

9. Accordingly, this application is allowed and the order dated 16.11.2006 as well as the Award passed by the Lok Adalat Sasaram (Rohtas) in Case No. 536 (D) of 2006 is hereby quashed. If the respondent no. 3 to 5 have any grievance,



they are given liberty to file an appropriate application in the District Court concerned for redressal of their grievance in accordance with law.

(Sandeep Kumar, J)

Vikas/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	16.02.2024
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