

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.12468 of 2016**

1. Manorma Devi w/o Murli Manohar Dwivedi resident of Village- Garuna, P.S- Agrer, P.O. Belaon, Dist- Rohtas, Sasaram, at present village- Maricha, P.O. Mujan, P.S Mohania, Distt- Kaimur Bhabhua.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, District Legal Services Authority, Kaimur at Bhabhua.
3. Rangnath Pandey S/o Late Ramdayal Pandey
4. Srikant Pandey S/o Late Rangnath Pandey Both 3 and 4 resident of Mauza- Maricha, P.S- Mohania, P.O- Muzan , Distt- Kaimur.
5. Ashok Kumar Pandey
6. Nand Kishore Pandey
7. Sampat Kumar Pandey
8. Bardraj Pandey
9. Brajraj Pandey All 5 to 9 S/o Late Bhola Nath Pandey null
10. Smt. Pavitra Pandey W/o Late Bhola Nath Pandey All 5 to 10 resident of Mauza- Maricha, P.S- Mohania,P.O.- Muzan, Distt.- Kaimur.
11. Shashi Kumar Pandey
12. Binod Kumar Pandey Both 11 and 12 son of Late Bhaironath Pandey
13. Ramawati Kuer W/o Late Bhaironath Pandey All 11 to 13 resident of Mauza- Maricha, P.S- Mohania Muzan, Distt- Kaimur.

... .. Respondent/s

**Appearance :**

|                      |   |                                                                |
|----------------------|---|----------------------------------------------------------------|
| For the Petitioner/s | : | Mr. Chandrakant<br>Mr. Ravi Bhushan Bharat<br>Mr. Lalan Pandey |
| For the State        | : | Mr.Prashant Pratap- Gp2                                        |
| For the Respondent/s | : | Mr. Arabind Nath Pandey<br>Ms. Shruti<br>Mr. Varun Kumar       |

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL JUDGMENT**

**Date : 23-01-2024**

Heard the parties.

2. The present application has been filed for  
quashing the award dated 04.10.2012 passed by Permanent Lok



Adalat, Kaimur at Bhabhua in case no. bearing Pre-litigation (Misc.) Case No. 407 of 2012.

3. The facts of the present case is that One Rangnath Pandey son of Late Ram Dayal Pandey has suo mottu filed a Pre-litigation Case No. 407 of 2012 before the Permanent Lok Adalat, Bhabhua, seeking a relief for partition of property between plaintiff-defendant. On 18.08.2012, a compromise petition has been filed for passing an award and pursuant to the same the award was passed by the Permanent Lok Adalat on mutual consent of both the side.

4. It has been submitted by the learned counsel for the petitioner that the Permanent Lok Adalat has no jurisdiction to decide the civil disputes.

5. Learned counsel for the petitioner further relies upon the Judgments of this Court passed in the cases of *Shri Niwas Rai Vs. Mahendra Rai* reported in *2014 1 PLJR 476*, *Raj Mangal Raut Ramani Vs. State of Bihar* passed in *L.P.A. No. 277 of 2017*, *Nawal Kishore Prasad Singh and Ors. Vs. The State of Bihar and Ors.* reported in *2016 1 PLJR 935* and *Lallan Pandey And Anr. Vs. State Of Bihar And Ors.* reported in *2023 6 BLJ 205* and has submitted that no partition suit can be filed in a permanent Lok Adalat directly.



6. Learned counsel for the respondent has opposed the application of the petitioner and he has submitted that the award has rightly been passed by the permanent Lok Adalat, Learned counsel for the State has also supported the impugned award.

7. The view of 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.*

8. From the law laid down by the Division Bench of this Court in the case of ***Nawal Kishore Prasad Singh and Ors. Vs. The State of Bihar and Ors. (Supra)***, it is quite clear that the Lok Adalat/Permanent Lok Adalat cannot decide the civil matters which are being filed before them directly.

9. In view of the above discussions, this Court is of the opinion that the impugned award is illegal and it cannot be sustained.

10. Accordingly, the award dated 04.10.2012 passed by Permanent Lok Adalat, Kaimur at Bhabhua in case no. bearing Pre-litigation (Misc.) Case No. 407 of 2012 is hereby quashed.

11. It has further been submitted in the course of the argument by the learned counsel for the petitioner that whenever she visits the land over she has a right, she is being threatened by the respondent No. 3 and 4.

12. If the petitioner feels any threat from the respondent No. 3 and 4, she has the liberty to approach the Superintendent of Police, Kaimur at Bhabhua and the SHO, Mohania. If any complaint is made by the petitioner,



apprehending any threat to her life and property, the respondent- State Authorities, as mentioned above are bound to provide protection to the petitioner and take all legal steps in accordance with law to protect the life and property of the petitioner.

13. With the aforesaid directions, this application stands allowed.

14. Let a copy of this order be communicated to the Superintendent of Police, Kaimur at Bhabhua through FAX and e-mail for its compliance.

**(Sandeep Kumar, J)**

Vikas/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 27.02.2024 |
| Transmission Date | N.A.       |

