

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7591 of 2019

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Amrun Bibi @ Amaml Bibi W/o Late Noor Mohammad R/o village and P.O.-
Chainpur, P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

1. Sheikh Mumtaj son of Late Noor Mohammad resident of Village and P.O.-
Chainpur, P.S.- Chainpur, District- Kaimur at Bhabhua.
2. Sheikh Gayasuddin son of Late Noor Mohammad resident of Village and
P.O.- Chainpur, P.S.- Chainpur, District- Kaimur at Bhabhua.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 14544 of 2018

- =====
1. Sheikh Mumtaj and Anr Son of Late Noor Mohammad, Resident of
VillageP.O.- Chainpur, District- Kaimur Bhabhua, Bihar.
 2. Sheikh Kamran, Son of Late Noor Mohammad, Resident of VillageP.O.-
Chainpur, District- Kaimur Bhabhua, Bihar.

... .. Petitioner/s

Versus

1. Sheikh Gyasuddin and Anr Son of Late Noor Mohammad, Resident of
VillageP.O.- Chainpur, District- Kaimur Bhabhua, Bihar.
2. Amarun Bibi, Widow of Late Noor Mohammad, Resident of VillageP.O.-
Chainpur, District- Kaimur Bhabhua, Bihar.

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 7591 of 2019)

For the Petitioner/s	:	Mr. Kaushal Kumar Jha Mr. Amish Kumar Mr. Krishna Chandra Jha
For the Respondent/s	:	Mr. Baidya Nath Thakur Mr. Praveen Kumar Mr. Prabhakar Tiwari

(In Civil Writ Jurisdiction Case No. 14544 of 2018)

For the Petitioner/s	:	Mr. Kaushal Kumar Jha Mr. Amish Kumar Mr. Krishna Chandra Jha
For the Respondent/s	:	Mr. Baidya Nath Thakur Mr. Praveen Kumar Mr. Prabhakar Tiwari

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL JUDGMENT

Date : 23-01-2024

Heard the parties.



2. These applications have been filed on behalf of the petitioners for quashing the Award dated 18.12.2011 passed by the Mega Lok Adalat, Kaimur at Bhabhua in Pre-litigation Case No. 460 of 2011.

3. The facts of this case in short are that Sheikh Mumtaj, Sheikh Kamran and Sheikh Gayasuddin are the sons of the petitioner i.e. Amrun Bibi. It is alleged that five decimals of land was purchased by the husband of Amrun Bibi namely, late Noor Mohammad in Khata No. 723, Plot No. 1545 in village Chainpur from one Diwan Allaudin Khan and Diwan Yasin Khan through registered sale deed dated 16.06.1972 and came in possession of the same and upon purchase of the said land, Sheikh Mumtaj i.e. petitioner no.1 of C.W.J.C. No.14544 of 2018 constructed a residential house over a part of the land from the eastern side and started living with his family. It has further been mentioned that one Alimuddin claimed to have purchased 0.2 decimals of land in the disputed plot from Sheikh Gayasuddin i.e. respondent no.1 of C.W.J.C. No.14544 of 2018 on 22.05.2013. Therefore, Alimuddin filed BLDR Case No. 20/13-14 before the Land Reforms Deputy Collector, Bhabhua seeking partition of his purchased land by appointing a Survey Knowing Pleader Commissioner. In the plaint, it was pleaded by



Sheikh Gayasuddin that he got the disputed land from his mother which he has sold to Alimuddin. Vide order dated 21.05.2014, the said case was allowed by the DCLR in favour of Alimmudin. Against the said order the petitioners filed an appeal before the Commissioner, Patna Division. Thereafter, the respondent no.1 by filing a compromise petition on behalf of respondent no. 2 obtained the impugned Award dated 18.12.2011 passed by the Mega Lok Adalat, Kaimur at Bhabhua in Pre-litigation Case No. 460 of 2011.

4. It has been submitted by the learned counsel for the petitioner that the petitioner has never gifted the disputed land to Sheikh Mohammad and she had not signed any compromise petitioner in connection with Pre-litigation Case No. 460/2011 nor authorized Sheikh Gayasuddin to obtain an Award from the Mega Lok Adalat, Kaimur at Bhabhua.

5. Learned counsel for the petitioner further submits that the compromise petitioned is fake and doctored one and she has no knowledge about the Award dated 18.12.2011 passed on the same and without any delay the petitioner filed Misc. Case No. 11 of 2016 in the Court of 1st Civil Judge, Senior Division, Kaimur at Bhabhua under Section 151 of the Code of Civil Procedure praying to declare the said award as forged and



fabricated.

6. Learned counsel for the petitioner has further relied upon a judgment of this Court in the case of ***Nawal Kishore Prasad Singh and Ors. Vs. The State of Bihar and Ors.*** reported in ***2016 1 PLJR 935*** and has submitted that the Permanent Lok Adalats/Lok Adalats/Mega Lok Adalats have no jurisdiction to decide the matters related to civil disputes.

7. Learned counsel for the private respondents has opposed the prayer of the petitioner and has supported the impugned award.

8. This Court has been repeatedly holding since long that Permanent Lok Adalats/Lok Adalats/Mega Lok Adalats have no jurisdiction to decide the civil matters but this Court is flooded with writ applications challenging the awards which are being obtained by the litigants in civil matters suppressing the facts before the Permanent Lok Adalats/Lok Adalats/Mega Lok Adalats.

9. 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.*

10. In view of the above discussions and also in view of 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)***, this application is allowed.

11. Accordingly, the Award dated 18.12.2011 passed by the Mega Lok Adalat, Kaimur at Bhabhua in Pre-litigation Case No. 460 of 2011.

12. It is expected that the permanent Lok Adalats of Bihar shall follow the law laid down by this Court and they



will not pass illegal orders in civil matters which are unnecessarily burdening this Court.

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

(Sandeep Kumar, J)

Vikas/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	06.03.2024
Transmission Date	N.A.

