



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-36155-2018 (O&M)
Date of decision: 01.08.2024

ESTATE OFFICER, UNION TERRITORY, CHANDIGARH

.....Petitioner

VERSUS

SANTOSH KUMAR AND OTHERS

.....Respondents

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

Present:- Mr. J.S. Chandail, Additional Standing Counsel
for the petitioner.

Mr. Iqbal Singh Saggu, Advocate
for respondent No.1.

Mr. Vaibhav Prashar, Advocate for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

Challenge in the present writ petition is to set aside the
impugned order dated 25.08.2015 passed by the Permanent Lok Adalat
(Public Utility Services), U.T. Chandigarh.

2. Learned counsel appearing on behalf of the petitioner
contends that without delving into the merits of the claim and the
response filed by the respective parties, he would at at this juncture
press the argument that the mandatory procedure stipulated under
Section 22 -C (4) to (7) of the Legal Services Authorities Act, 1987 has
not been followed by the Permanent Lok Adalat (Public Utility

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Services), U.T. Chandigarh. He places reliance on the judgment of Hon'ble Supreme Court in the matter of "*Canara Bank versus G.S. Jayarama*" reported as (2022) 7 SCC 776 to contend that the Hon'ble Supreme Court has specifically held that the adjudicatory powers under Section 22-C (8) of the Legal Services Authorities Act, 1987 could not have been exercised unless the mandatory conciliation proceedings had been undertaken. Counsel for the petitioner contends that the record of the case does not reflect any steps for conciliation or even formulating the terms of settlement. The said factual aspect is not disputed or denied by the Counsel appearing on behalf of the respondents.

3. In view of the aforesaid undisputed fact, I feel that the other issues are not required to be gone into at this stage lest any observation recorded on the said issues prejudice the rights of the respective parties. The present writ petition is allowed. The Award dated 25.08.2015 in Application No. 144 of 2015 passed by the Permanent Lok Adalat (Public Utility Services), U.T. Chandigarh is set aside. The matter is remanded to the Permanent Lok Adalat (Public Utility Services), U.T. Chandigarh for adjudication in accordance with the procedure prescribed in law. The parties shall appear on 20.08.2024 before Permanent Lok Adalat (Public Utility Services), U.T. Chandigarh where after the Permanent Lok Adalat (Public Utility Services), U.T. Chandigarh shall proceed with the matter expeditiously and make an endeavour to decide the same within a period of four months of the date fixed for appearance of the parties.



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4. All the pending miscellaneous application(s), if any, are also disposed of.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 01, 2024

Vishal sharma

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No