

ML. 67
10.1.2025
Ct. 14
BP/AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 19613 of 2024

**Debabrata Basu
-versus
The State Legal Services Authority & Ors**

**Mr. Sayak Majumdar.
...For the Petitioner.**

1. The petitioner approached the West Bengal State Consumer Disputes Redressal Commission, Kolkata by filing a complaint case against one S.P. Enterprise and others. The issue was non-registration of the sale deed by the private respondents.
2. The State Consumer Disputes Redressal Commission relegated the said case to the Upovokta Lok Adalat. Before the Lok Adalat, the developer i.e. the private respondent no. 2 was not represented. The Lok Adalat appointed an advocate commissioner to execute and register the sale deed in presence of the parties.
3. The registration not being done, the petitioner approached the Commission once again and the Commission was of the opinion that the Lok Adalat transgressed its jurisdiction and passed the said order.
4. None appears on behalf of the respondents.
5. Affidavit-of-service filed today is kept with the record.
6. The petitioner relies upon the judgment delivered by the Hon'ble Supreme Court in the matter of **Canara Bank -Vs- G.S. Jayarama** reported in **(2022) 7**

Supreme Court Cases 776 wherein the Supreme Court clearly held that the Lok Adalat cannot perform any adjudicatory function in terms of Section 20 of the Legal Services Authorities Act, 1987.

7. It appears that the Lok Adalat had directed an advocate commissioner to execute and register the sale deed on behalf of the developer in the absence of the consent of the developer.
8. Directing the advocate commissioner to execute and register the sale deed implies that the Lok Adalat went on to adjudicate the right of the parties and thereafter directed registration of the sale deed.
9. The same could not have been done as the Lok Adalat does not have any adjudicatory powers.
10. Had the order being passed on compromise by the parties, then the issue would have been different.
11. In the instant case the private respondent was not represented and there was no scope of giving any consent by the private respondent to the execution of the sale deed in favour of the petitioner.
12. In view of the above, the order passed by the Upovokta Lok Adalat on 28th January, 2023 in Complaint Case No. CC/25/2022 cannot be executed.
13. The petitioner is granted leave to pursue the matter before the State Consumer Disputes Redressal Commission.
14. The Commission shall proceed to decide the case on merits.
15. The writ petition accordingly stands disposed of.
16. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)