Serial No. 36
Regular Cause List.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 1592/2025
CM(4074/2025).

SYED MOHD SHAFI ANDRABI.

…Petitioner (s)

Through: Mr. Saqib Amin Parray, Advocate.

VERSUS

DISTRICT LEGAL SERVICES AUTHORITY ANANTNAG AND ANR.

Through:

…Respondent(s)

CORAM:

HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE.

ORDER

23-11-2026

01. The petitioner, through the medium of the present petition, has challenged order dated 22nd of May 2025 passed by the Secretary, District Legal Services Authority, Anantnag, on an application filed by respondent No. 2 seeking settlement/partition of joint property at the pre-litigation stage.

02. Vide the impugned order, the Secretary, District Legal Services Authority, Anantnag, has directed the Assistant Commissioner, Revenue, Anantnag, to constitute a team to find out the total immovable property left behind by deceased Syed Hafizullah Indrabi and to find out the details of the trust established by the deceased. Besides this, the Assistant Commissioner, Revenue, has also been asked to determine the entitlement of the parties with respect to the immovable property of the trust.

03. Heard and considered.

04. In terms of Section 19(5) of the Legal Services Authorities Act, 1987, a Lok Adalat is vested with the jurisdiction to determine and arrive at a compromise or settlement between the parties to a dispute, even in at the stage when the matter has not been brought before a Court.

05. As per Section 20(2) of the aforesaid Act, the authority or committee organising the Lok Adalat, on receipt of an application from any of the parties in respect of a pre-litigation dispute, has to refer the said matter to the Lok Adalat for determination.

06. A perusal of the record would reveal that the Secretary, District Legal Services Authority, Anantnag, instead of referring the matter to the Lok Adalat, has, after the appearance of the parties before him/her, proceeded to hold an inquiry with regard to the entitlement of the parties, which is beyond the jurisdiction of the Secretary Even the Lok Adalat does not have jurisdiction to direct any inquiry into the subject matter of dispute. Therefore, the proceedings initiated by the Secretary, District Legal Services Authority, Anantnag, are beyond his/her jurisdiction. The impugned order and the proceedings initiated by the Secretary are, thus not sustainable in law.

07. Accordingly, the petition is ***allowed*** and the impugned order and the proceedings initiated by the Secretary, District Legal Services Authority, Anantnag, are set aside, leaving it open to the said authority to refer the dispute to the Lok Adalat, if the parties choose to do so.

08. Disposed of along with connected CM.

(Sanjay Dhar)
Judge

SRINAGAR
23-11-2026
Showkat Khan