
(2011) 06 JH CK 0123
In the Jharkhand High Court
Case No : Writ Petition (C) No. 1307 of 2011

Sandip Ekka

APPELLANT

Vs

Selesta Kerketa

RESPONDENT

Date of Decision : 27-06-2011

Acts Referred:

Legal Services Authorities Act, 1987 — Section 22C, 22C(4), 22C(7), 22C(8)

Citation : AIR 2011 Jhar 130 : (2011) 4 JCR 100

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—The present petition has been preferred against the order passed by the Permanent Lok Adalat, Simdega in M.J.C. Case No. 28 of 2008 dated 27th July, 2009 mainly on the ground that the Permanent Lok Adalat has No. power, jurisdiction and authority to decide the dispute between the parties, on merits, since never any consent in writing was given by the Petitioner before the Permanent Lok Adalat.

2. Moreover, learned Counsel for the Petitioner has relied upon Section 22C of the Legal Services Authorities Act, 1987 and has pointed out that there is gross violation of Section 22C(4) as well as Section 22C(7 & 8) of the Act, 1987 and, therefore, the award passed by the Permanent Lok Adalat, Simdega deserves to be quashed and set aside.

3. Learned Counsel for the Petitioner has relied upon the decisions rendered by this Court, as reported in 2009 (4) JLJR 129 as well as in 2008 (3) JLJR 513 and submitted that in view of the aforesaid decisions also, the Permanent Lok Adalat has No. power, jurisdiction and authority to decide the dispute between the parties and is not supposed to adjudicate the dispute, without there being any consent by the parties, in writing.

4. Notice for final disposal has been served upon the Respondent, but, she has

chosen not to appear before this Court.

5. Having heard learned Counsel for the Petitioner and looking to the award passed by the Permanent Lok Adalat, Simdega in M.J.C. Case No. 28 of 2008, it appears that the Permanent Lok Adalat, Simdega, has ordered the interim relief in favour of the Respondent and has thereby decided the claim. It appears from the ratio laid down in the aforesaid cases that the Permanent Lok Adalat has No. power, jurisdiction and authority to decide the dispute, on merits without there being any consent by the Petitioner. The predominant role of the Permanent Lok Adalat is of a conciliator and not of an adjudicator. It has been held in the decisions rendered by this Court reported in 2009 (4) JLJR 129 as well as in 2008 (3) JLJR 513 that the Permanent Lok Adalat can decide the dispute, on merits only when there is consent, in writing, by the parties, to the dispute. For the reasons stated in the aforesaid judgments, the order passed by the Permanent Lok Adalat, Simdega in M.J.C. Case No. 28 of 2008 dated 27th July, 2009 is, hereby, quashed and set aside.

6. Whenever certified copy of this judgment is demanded by anyone, I hereby direct the Registry to supply the certified copy of the judgment passed by this Court in W.P. (C) No. 2477 of 2008 decided on 26th April, 2010.

7. The petition is, hereby, allowed and disposed of.