

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION No.28621 of 2016

Between:

Durgam Rayalingu

..Petitioner

and

The Chairman Mandal Legal Services Committee,
Mancherial, Adilabad District and others

..Respondents

JUDGMENT PRONOUNCED ON: 14th June, 2018

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

1. Whether Reporters of local
Newspapers may be allowed
to see the Judgments? : Yes/No

2. Whether the copies of
judgment may be marked to
Law Reporters/Journals? : Yes/No

3. Whether their Ladyship/Lordship
wish to see fair copy of the
Judgment? : Yes/No

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

***THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

+ WRIT PETITION No.28621 of 2016

% 14.06.2018

Durgam Rayalingu

..Petitioner

Vs.

\$ The Chairman Mandal Legal Services Committee,
Mancherial, Adilabad District and others

..Respondents

! Counsel for the petitioner: Mr.P.Lakshma Reddy

Counsel for respondent No.1: Mr.J.Anil Kumar, standing counsel

Counsel for respondent Nos.2 and 3: Government Pleader
for Revenue

Counsel for respondent No.4: Mr.Joginipally Sai Krishna

<Gist :

>Head Note:

? Cases referred:

1. AIR 2008 SC 1209

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
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Counsel for respondent No.1: Mr.J.Anil Kumar, standing counsel

Counsel for respondent Nos.2 and 3: Government Pleader
for Revenue

Counsel for respondent No.4: Mr.Joginipally Sai Krishna

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for issue of *certiorari* to quash award, dated 16.03.2013, in P.L.No.6 of 2012 on the file of the Chairman, Mandal Legal Services Committee, Mancherial, Adilabad District – respondent No.1.

2. A perusal of the impugned order shows that respondent No.1 Committee, which falls within the definition of 'Lok Adalat' under Section 2(1)(d) of the Legal Services Authorities Act, 1987 (for short 'the Act') adjudicated P.L.C.No.6 of 2012 on merits and directed the Tahsildar, Mancherial – respondent No.2 to take steps to rectify the revenue records with regard to ownership and possession of Ac.1.20 guntas of land in survey No.7/1 of Seetharampally Village, Mancherial Mandal in consideration of the objection petition, dated 14.11.2011, made by respondent No.4.

3. Mr.P.Lakshma Reddy, learned counsel for the petitioner, has submitted that respondent No.1 Committee has no jurisdiction to adjudicate the dispute on merits in the absence of compromise or settlement reached between the petitioner and respondent No.4.

4. (a) In order to appreciate the above submission, we need to refer to the relevant provisions of the Act.

(b) As per Section 2(1)(d) of the Act, which defines Lok Adalat, Lok Adalat means a Lok Adalat organized under Chapter VI. Sections 19 to 22 of the Act fall under the said Chapter.

(c) Under Section 19(1) of the Act, every State Authority or District Authority or the Supreme Court Legal Services Committee or every High Court Legal Services Committee or, as the case may be, Taluk Legal Services Committee may organize Lok Adalats at such intervals and places and for exercising such jurisdiction and for such areas as it thinks fit.

(d) Under Sub-Section (5) of Section 19 of the Act, a Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of (i) any case pending before it; or (ii) any matter which is falling within its jurisdiction and is not brought before any Court for which the Lok Adalat is organized.

(e) Section 20 of the Act deals with cognizance of cases by Lok Adalats. Under Sub-Section (1) of Section 20 of the Act, Lok Adalats can take cognizance of a case, where both parties agree or one of the parties makes an application to the Court for referring the case to the Lok Adalat for settlement and if such Court is, *prima facie*, satisfied that there are chances of such settlement or the

Court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the Court shall refer the case to the Lok Adalat.

(f) Under Sub-Section (2) of Section 20 of the Act, notwithstanding anything contained in any other law for the time being in force, the Authority or Committee organizing the Lok Adalat under Sub-Section (1) of Section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of Sub-Section (5) of Section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination. Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

(g) Under Sub-Section (3) of Section 20 of the Act, where any case is referred to a Lok Adalat under Sub-Section (1) of Section 20 or where a reference has been made to it under Sub-Section (2) of Section 20, the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(h) Under Sub-Section (5) of Section 20 of the Act, where no award is made by the Lok Adalat on the ground that no

compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the Court, from which the reference has been received under Sub-Section (1) of Section 20 for disposal in accordance with law.

(i) Under Sub-Section (6) of Section 20 of the Act, where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in Sub-Section (2) of Section 20, Lok Adalat shall advise the parties to seek remedy in a Court.

5. The above discussed provisions would without any cavil of doubt reveal that both in respect of a pending litigation referred to Lok Adalat or a pre-litigation case entertained by it in terms of the aforementioned provisions, the power and jurisdiction of the Lok Adalat is confined only to passing of an award based on a compromise or settlement between the parties. That Lok Adalat has no power of adjudication on merits in the absence of compromise or settlement is further amplified by the provisions of the National Legal Services Authority (Lok Adalats) Regulations, 2009 (for short 'the Regulations'). Regulation 12 thereof deals with pre-litigation matters. Regulation 13 thereof lays down procedure in Lok Adalats. Clause (6) of the said Regulation, which is relevant for the present purpose, reads as under.

“The Lok Adalat shall not determine a reference, at its own instance, but shall determine only on the basis of a compromise or settlement between the parties by making an award in terms of the compromise or settlement arrived at.

Provided that no Lok Adalat has the power to hear the parties to adjudicate their dispute as a regular Court.

Provided further that the award of the Lok Adalat is neither a verdict nor an option arrived at by any decision making process.”

6. The above view that the Lok Adalat has no power of adjudication on merits is fortified by the judgment of the Apex Court in **State of Punjab vs. Jalour Singh**¹, wherein it was held as under:

“8. It is evident from the said provisions that Lok Adalats have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of a compromise or settlement between the parties at its instance, and put its seal of confirmation by making an award in terms of the compromise or settlement. When the Lok Adalat is not able to arrive at a settlement or compromise, no award is made and the case record is returned to the court from which the reference was received, for disposal in accordance with law. No Lok Adalat has the power to "hear" parties to adjudicate cases as a court does. It discusses the subject-matter with the parties and persuades them to arrive at a just settlement. In their conciliatory role, the Lok Adalats are guided by principles of justice, equity, fair play. When the LSA Act refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory judicial determination, but a non-adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and

¹ AIR 2008 SC 1209

assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat.”

7. In the light of the legal position as elucidated above, we are of the opinion that respondent No.1 Committee has exercised jurisdiction not vested in it by adjudicating the dispute raised by respondent No.4 on merits.

8. On the analysis as above, award, dated 16.03.2013, in P.L.No.6 of 2012 is quashed, however, leaving respondent No.4 free to avail appropriate remedies available to her in law. The Writ Petition is, accordingly, allowed.

9. Before concluding, we felt the necessity of observing that despite the clear and unambiguous legal provisions of the Legal Services Authorities Act, 1987, the Regulations made thereunder and the legal precedents as discussed above, we have been coming across many instances where the Lok Adalats at Mandal as well as District Levels have been acting as adjudicating bodies, like regular Courts. We are indeed surprised that the Chairmen of the Legal Services Committees who preside over the Lok Adalats, being either Senior Civil Judges or District Judges as the case may be, are acting contrary to the statutory mandate, driving the aggrieved

parties to needless litigation before this Court. We, therefore, suggest to the Legal Services Authorities of the States of Telangana and Andhra Pradesh to consider the desirability of issuing a Circular apart from sensitizing the Chairmen of the Mandal and District Legal Services Authorities on the true gamut of their powers and functions of the Lok Adalats, to avoid unnecessary litigation.

10. As a sequel to allowing the Writ Petition, W.P.M.P. No.35444 of 2016 filed by the petitioner for interim relief stands disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

14th June, 2018

Note: L.R. copies to be marked.

(B/o)

GHN