

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1240 of 2016

In
Civil Writ Jurisdiction Case No.7360 of 2013

Sulya Narayan Prasad, son of Late Raghunath Prasad, Resident of Mohalla-
Sahebganj, Fal Gola, PO-Chapra, PS-Chapra Town, Dist.-Saran.

... Appellant-Respondent

Versus

1. Lilawati Devi, wife of Sri Nirmal Kumar, Resident of Lakhi Bhawan,
Mission Road, Dahiyawan, PO-Chapra, PS-Chapra Town, Dist.-Saran.
2. Dharmnath Prasad, Son of Late Rajeshwar Prasad
3. Abhay Kumar, Son of Late Rajeshwar Prasad
Both residents of Silver House Malviya Road At+Post+PS-Deoria,
Dist.-Deoria (UP)

... Respondents (1st set)-Petitioners

4. The State of Bihar, through Secretary, Department of Law, Old Secretariat,
Bihar, Patna.
5. The Secretary, District Legal Services Authority, Saran at Chapra.
6. The Bihar State Legal Services Authority, Patna through its Secretary,
Patna High Court Premises, Patna-1.

... Respondents (2nd Set)-Respondents

Appearance :

For the Appellant	Mr. Shantanu Kumar, Advocate
For the Respondent State:	Mr. Uday Bhan Singh, AC to GP-19
For the Private Respondent :	Mr. M.N. Parbat, Senior Advocate
	Mr. Praveen Prabhakar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 30-11-2017

Having heard learned counsel for the appellant, counsel for the private respondents and the counsel for the State, this Court is totally in agreement with the finding or the decision given by the learned single Judge that the award given by the Lok Adalat was nothing but a farce and misuse of the process of the Court and the manner in which the award has been obtained on an issue and

material relating to property does not even come within the ambit of the provisions of the Legal Services Authority Act, 1987, especially Section 19.

This was a fit case in which the Court was inclined to take action against all the players including the Judicial Officer, who facilitated such a farce, but keeping in mind that both those authorities have now retired, the Court will keep its discretion for an appropriate case and occasion.

The Court before parting, however, would like to observe and caution all the players, Judicial Officers sitting or retired, which may include even the Secretaries of the Lok Adalat based in the different districts of the State that they have to be extra cautious and careful that the forum of Lok Adalat is not used to play a fraud on the system by vested interest and only such matter must be entertained for which provision has been made under the Act noted above and that only such matters which are pending before a Court of law and referred for settlement before a Lok Adalat are taken for consideration Filing applications directly, entertaining it and obtaining an award in a manner in which it has been done in the present case is nothing but a complete fraud upon the system.

A copy of this order will be communicated to all the Secretaries of the Lok Adalat of all the districts of Bihar by the

Registrar General for their information and caution. If any aberration emerges of this kind, which are gross on the face of record, the Court may not give any indulgence in future.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	A.F.R.
CAV DATE	N/A
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