

Punjab and Haryana High Court

JUSTICE ANIL KSHETARPAL

Avtar Singh v. The Managing Director Uhbvnl

CWP-15928-2020 (O&M)

22.12.2020

Legal Services Authorities Act, 1987 (39 of 1987), Section 22C(3) till 22C(7) - Permanent Lok Adalat does not enjoy power or jurisdiction to pass a restrained order while dealing with an application under Section 22C(3) till 22C(7) - Dalvinder Singh v. Permanent Lok Adalat, (2017-3)187 PLR 308 , followed.

Mr. Ashok Kumar Khubbar, for the petitioners. Mr. Tanvir Singh Attariwala, for respondent Nos.1-3. Mr. R.P. Daaria, Advocate for respondent No.4.

Anil Kshetarpal, J. (ORAL) - The petitioners have called in question the correctness of the order dated 24.08.2020 passed by the Permanent Lok Adalat for Public Utility Services, Yamuna Nagar at Jagadhari, which reads as under:-

“Memo of appearance filed by the respondent. He prays for an adjournment for filing power of attorney as well as the written statement.

Matter be posted on 27.08.2020.

The Ld. Counsel for petitioner prayed for injunction which seems to be genuine. Respondents are directed to maintain status-quo till further orders.”

2. The petitioners have applied for domestic electric connection which appears to have been sanctioned. Respondent No.4-Jasbir Singh, invoked the jurisdiction of the Permanent Lok Adalat for Public Utility Services, Yamuna Nagar which passed the order as extracted above.

3. Learned counsel for the petitioners draws attention of the Court to a detailed judgment passed in *Dalvinder Singh v. Permanent Lok Adalat, (2017-3)187 PLR 308* holding that the Permanent Lok Adalat does not enjoy power or jurisdiction to pass a restrained order while dealing with an application under Section 22C(3) till 22C(7) . The operative part of the judgment reads as under:-

“Hence, in my considered opinion, the Permanent Lok Adalat does not enjoy any kind of power or jurisdiction to pass a restrained order when it is dealing with the application under Section 22C(3) till 22C(7). Hence, the impugned order passed by the Permanent Lok Adalat is patently devoid of jurisdiction and such an order cannot be allowed to survive and hence the same is hereby set aside. The Registry is directed to send a copy of this order to all the

Permanent Lok Adalats functioning in the State of Haryana, UT, Chandigarh for their information and necessary action.”

4. Learned counsel for the respondents has failed to draw attention of the Court to any opinion to the contrary.
5. Keeping in view the aforesaid facts, the writ petition is allowed. The order dated 24.08.2020 is set aside being without jurisdiction.
6. All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.