

2015 PLRonline 0207 (P&H)

PLRonline ID#218802

Punjab & Haryana High Court at Chandigarh

Present : Hon'ble Mr. Justice K. Kannan

ESTATE OFFICER, U.T., CHANDIGARH - Petitioner

Versus

CHARAN KAUR & anr. - Respondent(s)

CWP No. 3552 of 2015

27.02.2015

Legal Services Authorities Act, 1987, Section 22D - Liberal Procedure and Power of Review - Section 22D of the Legal Services Authorities Act enacts a procedure which is more liberal than the Code of Civil Procedure. The provision that the Permanent Lok Adalat shall be guided by principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872, includes within its liberal construction the power to review as well.

"The maintainability of review petition itself cannot be a subject of contest, for I hold that Section 22D of the Legal Services Authority Act enacts a procedure which is even more liberal than Code of Civil Procedure."

"The Civil Procedure Code provides for a power of review. If a procedure prescribed is liberal in the sense the powers are not restricted to a procedural aspects contained in Code of Civil Procedure, I will find that such a liberal construction shall include a power to review as well." [Para 2, 3]

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.3552 of 2015
Date of Decision.27.02.2015**

Estate Officer, U.T., ChandigarhPetitioner

Versus

Charan Kaur and anotherRespondents

Present: Ms. Alka Chatrath, Advocate with
Ms. Manpreet Kaur, Advocate
for the petitioner.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? Yes
3. Whether the judgment should be reported in the Digest? Yes

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K. KANNAN J. (ORAL)

1. Learned counsel for the petitioner seeks for permission to withdraw the writ petition with liberty to approach the Permanent Lok Adalat which is to consider the decision already impugned for review in the light of the evidence collected that the private respondent has manipulated official records and has brought about wrong entries making it look as though she was a resident in the particular place where she was claiming an allotment.

2. The maintainability of review petition itself cannot be a subject of contest, for I hold that Section 22D of the Legal Services Authority Act enacts a procedure which is even more liberal than Code of Civil Procedure. Section 22D of the Legal Services Authority Act is reproduced as under:-

“22D. Procedure of Permanent Lok Adalat - The Permanent Lok Adalat shall, while conducting conciliation proceedings

or deciding a dispute on merit under this Act, be guided by the principles of natural justice, objectivity, fair play, equity and other principles of justice, and shall not be bound by the Code of Civil Procedure, 1908 and the Indian Evidence Act, 1872.”

3. The Civil Procedure Code provides for a power of review. If a procedure prescribed is liberal in the sense the powers are not restricted to a procedural aspects contained in Code of Civil Procedure, I will find that such a liberal construction shall include a power to review as well.

4. The writ petition is dismissed with the liberty as aforesaid. If there is any delay in approaching the Permanent Lok Adalat, any reason that may be given, may be duly considered and appropriate decision taken in accordance with law.

(K. KANNAN)
JUDGE

February 27, 2015
Pankaj*