

IN THE HIGH COURT OF JHARKHAND AT RANCHI
L.P.A. No. 98 of 2025

Nand Kishor Singh, S/o Late Kunj Bihari Singh, R/o Village-Bhadauli,
PO & PS-Sisai, District-Gumla Appellant

Versus

1. The State of Jharkhand
2. The Secretary, Department of Revenue, Registration and Land Reforms, Government of Jharkhand, Ranchi
3. The Deputy Commissioner, Gumla
4. The District Land Acquisition Officer, Gumla
5. The Secretary, Ministry of Road Transport and Highway, Government of India, New Delhi
6. The Project Director, National Highways Authority of India, having its regional office at B-402, Road No. 4, Ashok Nagar, Ranchi
7. Ramdhari Singh, S/o Late Laxmi Nath Singh, R/o Village-Bhadauli, PO & PS-Sisai, District-Gumla Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Appellant	: Mr. Samavesh Bhanj Deo, Advocate
For the Respondent Nos.1 to 4	: Mr. Piyush Chitresh, AC to AG
For the Respondent No. 5	: Mr. Mithilesh Kumar Pandey, CGC
For the Respondent No. 6	: Mrs. Sweety Topno, Advocate
	Mr. Amrit Raj Kisku, Advocate
For the Respondent No. 7	: Mr. Arun Kumar, Advocate

Order No. 03

Dated: 19.11.2025

The appellant was the writ petitioner in W.P.(C) No. 5372 of 2024, who had approached the Court seeking a direction upon the official respondents to disburse the compensation awarded under the National Highways Act, 1956 (hereinafter referred to as "the Act, 1956") exclusive to him in terms of the Award made by the "Permanent Lok Adalat". The respondent no. 7-Ramdhari Singh, who was contesting the case, was the writ petitioner in W.P.(C) No. 5179 of 2024 who too had laid claim to the amount what was excluded from claiming any amount on the basis of the so-called award passed by the "Permanent Lok Adalat".

2. The brief facts, which gave rise to both these litigations,

were that the appellant had filed an application against the respondent no. 7 [the petitioner in W.P.(C) No. 5179 of 2024] before the Chairman, Permanent Lok Adalat under Section 22-C of the Legal Services Authorities Act, 1987 (hereinafter referred to as "the Act, 1987") at Gumla for settlement of dispute regarding payment of compensation amount awarded in connection with widening of NH-23, whereby the NHAI acquired the land of both the writ petitioners, who were co-sharers and awarded the compensation in the name of Nand Kishor Singh as well as other co-sharers and the respondent no. 7 – Ramdhari Singh wanted to receive the said awarded compensation amount, whereas his father had received no share in partition and, therefore, he preferred an application before the "Permanent Lok Adalat". The respondent no. 7 raised a contention that the award was passed by the Chairman, "Permanent Lok Adalat" beyond its jurisdiction as the value of the property in question for which compensation had been awarded, was more than Rupees Ten lakhs. This contention found favour with the learned Writ Court and the learned Writ Court after taking into consideration the provisions contained in Section 3-H of the Act, 1956 directed the parties to the dispute to approach the competent authority who, in turn, was directed to determine the *lis* and apportion the same.

3. Learned counsel for the appellant has vehemently contended that the judgment passed by the learned Writ Court is absolutely erroneous inasmuch as the jurisdiction of the "Permanent Lok Adalat" at the time of adjudication of the dispute had been enhanced from Rupees Ten lakhs to Rupees one crore and, therefore, it had

jurisdiction to pass the award and thus, the entire amount ought to have been awarded to the appellant.

4. However, we find no force in such contention for the simple reason that the "Permanent Lok Adalat" has been established under sub-section (1) of Section 22-B of the Act, 1987 for exercising such jurisdiction in respect of one or more public utility services that find mention in Section 22-A of the said Act as is evident from bare reading of Section 22-A and 22-B of the Act, 1987, which read as under:

22-A. Definitions. – *In this Chapter and for the purposes of sections 22 and 23, unless the context otherwise requires, –*

(a) *"Permanent Lok Adalat" means a Permanent Lok Adalat established under sub-section (1) of Section 22-B;*

(b) *"public utility service" means any-*

(i) *transport service for the carriage of passengers or goods by air, road or water; or*

(ii) *postal, telegraph or telephone service; or*

(iii) *supply of power, light or water to the public by any establishment; or*

(iv) *system of public conservancy or sanitation; or*

(v) *service in hospital or dispensary; or*

(vi) *insurance service,*

and includes any service which the Central Government or the State Government, as the case may be, may, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

22-B. Establishment or Permanent Lok Adalats-

(1) *Notwithstanding anything contained in Section 19, the Central Authority or, as the case may*

be, every State Authority shall, by notification, establish Permanent Lok Adalats at such places and for exercising such jurisdiction in respect of one or more public utility services and for such areas as may be specified in the notification.

(2) Every Permanent Lok Adalat established for an area notified under sub-section (1) shall consist of-

(a) a person who is, or has been, a District Judge or Additional District Judge or has held judicial office higher in rank than that of a District Judge, shall be the Chairman of the Permanent Lok Adalat; and

(b) two other persons having adequate experience in public utility service to be nominated by the Central Government or, as the case may be, the State Government on the recommendation of the Central Authority or, as the case may be, the State Authority, appointed by the Central Authority or, as the case may be, the State Authority, establishing such Permanent Lok Adalat and the other terms and conditions of the appointment of the Chairman and other persons referred to in clause (b) shall be such as may be prescribed by the Central Government.

5. In view of the aforesaid provisions, the dispute raised by the appellant herein does not fall within the definition of “public utility service” and therefore, the “Permanent Lok Adalat” was not vested with any jurisdiction to take cognizance of such cases under Section 22-C of the Act, 1987. Therefore, clearly the order passed by the “Permanent Lok Adalat” is *quorum non-judice* and, therefore, nullity in the eyes of law.

6. As regards the direction passed by learned Writ Court relegating the parties to the competent authority, we only need to clarify that the "competent authority", as defined in Section 3(a) of the Act, 1956 in this case, is the District Land Acquisition Officer, Gumla. Since there is a dispute with regard to the apportionment of compensation, the competent authority, on receipt on an application by either of the parties i.e., the appellant or the respondent no. 7, as the case may be, shall refer the dispute to the decision of a Principal Civil Court of original jurisdiction within the limits of whose jurisdiction the land is situated i.e., Gumla.

7. With this modification in paragraph- 13 of the order dated 06.12.2024 passed by the learned Writ Court in W.P.(C) No. 5179 of 2024 and W.P.(C) No. 5372 of 2024, the instant appeal is accordingly disposed of.

8. Pending applications also stand disposed of.

(Tarlok Singh Chauhan, C.J.)

(Rajesh Shankar, J.)

November 19, 2025
Manish/Ritesh/**AFR**

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