General Manager Telecom District, B.S.N.L. and Another Vs M/s. Prakanksha Metal Works Pvt. Ltd.

Civil Miscellaneous Writ Petition No"s. 13247, 13248 and 13250 of 2012

Court: Allahabad High Court

Date of Decision: March 19, 2012

Acts Referred:
Legal Services Authorities Act, 1987 â€" Section 22E

Citation: (2012) 6 ADJ 5 : AIR 2012 All 133

Hon'ble Judges: P.K.S. Baghel, J; Amitava Lala, J

Bench: Division Bench

Advocate: Subodh Kumar and Udit Chandra, for the Appellant; Respondents, for the Respondent

Final Decision: Dismissed

Judgement

Hon"ble Amitava Lala, J.
These writ petitions have been filed on the part of Bharat Sanchar Nigam Limited (BSNL). By means of these

writ petitions, the writ petitioners challenged the order/s of the Permanent Lok Adalat dated 13.1.2012 in respect of connection/re-connection of

the telephone line in the premises of the respondent/s. Under the orders impugned, the Permanent Lok Adalat has given one month time to the writ

petitioners to connect/reconnect the telephone line of the respondents, and further directed that in case of failure to comply with the order/s within

such period, damages or compensation will be paid for a sum of Rs. 5000/- to the respondent/s in Writ Petition Nos. 13247 of 2012 and 13250

of 2012 and Rs. 3000/- to the respondent in Writ Petition No. 13248 of 2012. The signatories of the orders of the Permanent Lok Adalat are the

Chairman and two members. Surprisingly, these writ petitions were filed on 15.3.2012 after expiry of two months from the date of the orders of

the Permanent Lok Adalat without complying with any of the directions. It has been contended by the petitioners that there is practical difficulty in

giving connection to the respondents. The petitioners have taken three grounds. Firstly, the Company has faced loss to the tune of Rupees Six

thousand crores. Secondly, the Company has already decided to reduce the expenditure. Thirdly, there was a construction of National Highway

and no land is available for underground cable. It has been specifically said that due to fault committed by the National Highway Authority the

underground cable has been damaged. There is no fault on the part of the petitioners. To lay down underground cable, road-side land is to be dug.

At number of places the drainage land is also to be dug, for which permission is to be sought from the Nagar Palika and also from the National

Highway Authority.

2. We are surprised to see the attitude of the petitioners, being a Governmental authority, made for providing the public utility services. Curtailment

of expenditure does not necessarily mean curtailment of public utility services by a Governmental authority. Question of damages or compensation

arose on account of failure to provide service within one month from the date of passing the order. It is well known to us that in case of essential

services like electricity, telephone, water supply etc. the Courts are normally granting time for connection/re-connection within 24 hours or if not

within 48 hours or if not within 72 hours or maximum within one week from the date of the order. In the present cases, one month period has been

given by the Permanent Lok Adalat to the petitioners which, according to us, is more than sufficient. In case of any practical difficulty, it was

desirable on the part of a Governmental authority to go before the Permanent Lok Adalat for extension of time or for any other purpose. However,

neither it has proceeded before the Permanent Lok Adalat for extension of time or for any other purpose nor complied with the order but after

expiry of two months from the date of the orders invoked the writ jurisdiction of the High Court.

3. Moreover, u/s 22E of the Legal Services Authorities Act, 1987 award of the Permanent Lok Adalat is final and shall not be called in question in

any original suit, application or execution proceeding, being based on the principles of natural justice, objectivity, fair play and equity and other

principles of justice. Though the writ jurisdiction of the High Court may not be treated as of such type of Courts, but on its own wisdom it does not

interfere with the decision of the Permanent Lok Adalat unless, of course, an extreme case is available before it that too in relation to decision

making process but not the decision, otherwise the scheme of the Permanent Lok Adalat will be frustrated and again the mainstream of the

judiciary will be burdened with new type of litigations. The object of making such Permanent Lok Adalat is not only to make the people aware and

give them justice but also to reduce the workload of mainstream of the judiciary. If we very often interfere with the cause, it will delay or defeat the

object of the Legal Services Authorities Act, 1987. From the present cases, it appears to us that the stand taken on the part of one of the

functionaries of the Union of India is contrary to the stand of the Union of India regarding disposal of such type of disputes by the Permanent Lok

Adalat. Having so, we do not find any cause to interfere with the matters and to admit the writ petitions. Hence, the writ petitions are dismissed at

the stage of admission, however, without imposing any cost.

Hon"ble P.K.S. Baghel, J.

I agree.