

Jatavath Sali Vs. Mandal Parishad Development Officer and anr.

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Court : Andhra Pradesh

Decided On : Jan-23-2006

Reported in : 2006(2)ALT217

Judge : P.S. Narayana, J.

Acts : [Legal Services Authorities Act, 1987](#) - Sections 2, 2(1), 11B, 12 and 19(5);
[Constitution of India](#) - Article 227

Appeal No. : C.R.P. No. 6256 of 2005

Appellant : Jatavath Sali

Respondent : Mandal Parishad Development Officer and anr.

Advocate for Def. : None

Advocate for Pet/Ap. : T.N. Ranga Rao, Adv.

Judgement :

P.S. Narayana, J.

1. Heard Sri T.N. Ranga Rao

2. This Court ordered Notice Before Admission on 15-12-2005. The revision petitioner is questioning the order made in P.L.C. No. 285 of 2005, dated 3-9-2005 on the file of the Mandal Legal Services Committee, Miryalaguda, Nalgonda

District. The order impugned reads as hereunder:

Petitioner present. Counter filed. In view of the counter filed by the Mandal Development Officer, there is dispute in regard to identity of Gopala Swamy Sangal, and as such it is difficult to ascertain disputed questions of fact before Lok Adalat. Hence, petition is closed.

4. Sri T.N. Ranga Rao, the learned Counsel representing the revision petitioner would maintain that the petitioner being woman, had moved the Committee aforesaid in view of Section 12(c) of the [Legal Services Authorities Act, 1987](#), praying for referring the matter for settlement of amount under Water Shed Works Scheme. The learned Counsel also would maintain that inasmuch as the Mandal Legal Services Committee also is an authority, the petitioner had invoked the jurisdiction of this Court under Article 227 of the [Constitution of India](#). The learned Counsel also would maintain that even if disputed questions of fact are involved in the matter, the better course would have been to give liberty to the petitioner to invoke the appropriate remedy, but closing the petition with such observation would cause prejudice to the rights of the petitioner,

5. Heard the learned Counsel.

6. As can be seen from the record, the revision petitioner moved the petition under Section 19(5) in view of Section 12(c) of the [Legal Services Authorities Act, 1987](#) and in view of the counter filed by the Mandal Development Officer, inasmuch as disputed questions of fact are involved, the petition was closed and aggrieved by the same, the present civil revision petition was filed.

7. The learned Counsel also placed reliance on T. Nadipi Masum Saheb v. Tamidala Rama Devi and Ors. : 2005(6)ALT104 and also the decision of this Court in C.R.P. Nos. 2261 and 2262 of 2005, dated 6-7-2005.

8. Section 11B of the [Legal Services Authorities Act, 1987](#) dealing with the functions of Taluk Legal Services Committee reads as hereunder:

The Taluk Legal Services Committee may perform all or any of the following functions, namely:

- (a) co-ordinate the activities of legal services on the taluk;
- (b) organize Lok Adalats within the taluk; and
- (c) perform such other functions as the District Authority may assign to it.

9. Section 2 of the aforesaid Act deals with the definitions. Section 2(1)(aaa) defines the court as: In this Act, unless the context otherwise requires, Court means a civil, criminal or revenue court and includes any tribunal or any other authority constituted under any law for the time being in force, to exercise judicial or quasi-judicial functions.

10. It is needless to say that the Committee aforesaid is an authority constituted under the Act aforesaid, exercising the quasi-judicial functions. When disputed questions of fact are involved and when the Committee is of the opinion that the same cannot be decided before Lok Adalat, it would have been appropriate to give liberty to the petitioner to invoke proper remedy and without observing so, closure of the petition would cause prejudice to the rights of the revision petitioner.

11. In view of the same, the impugned order so far as it relates to the closing of the petition is concerned, the same is hereby set aside, giving liberty to the revision petitioner to invoke appropriate remedy as per law.

12. The civil revision petition is accordingly disposed of. No order as to costs.