



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 10251/2019

Urban Improvement Trust, Bikaner, Bikaner Through Its Tehsildar
Ashok Kumar Agarwal S/o Babulal Agarwal, Aged About 61
Years.

-----Petitioner

Versus

Poonam Chand S/o Hazari Mal Surana, Suraano Ka Chowk, Nai
Line, Gangasahar, Bikaner.

-----Respondent

For Petitioner(s) : Mr. Rajiv Purohit
Mr. Anupam Jayani
For Respondent(s) : None Present

HON'BLE MR. JUSTICE FARJAND ALI

Order

DATE OF CONCLUSION OF ARGUMENTS : 26/11/2025
DATE ON WHICH ORDER IS RESERVED : 26/11/2025
FULL ORDER OR OPERATIVE PART : Full Order
DATE OF PRONOUNCEMENT : 03/02/2026

Reportable

BY THE COURT:-

1. The instant writ petition under Articles 226 and 227 of the Constitution of India has been instituted by the petitioner-trust assailing the order dated 17.01.2018 passed by the Permanent Lok Adalat, Bikaner, whereby directions have been issued for grant of patta in favour of the respondent.
2. Briefly stated the facts of the case are that the respondent had filed an application under Section 22B of the Legal Services



Authorities Act, 1987 (hereinafter to be referred as "The Act of 1987") seeking issuance of patta in respect of a plot comprised in Khasra Nos. 546/547 and also paid compensation, alleging deposit of conversion charges.

2.1 The petitioner-Trust, in its reply, specifically pleaded that the land in question had not been mutated in its favour and, therefore, issuance of patta was legally impermissible.

2.2 The Permanent Lok Adalat (hereinafter to be referred as "PLA") directed issuance of patta and awarded compensation and costs. Aggrieved thereby, the petitioner-Trust has invoked the extraordinary jurisdiction of this Court seeking quashing of the impugned order as being contrary to law and jurisdiction.

3. Heard learned counsel appearing on behalf of the parties and perused the annexures annexed with the writ petition.

4. Upon consideration of the material placed on record, it emerges as an admitted position that the applicant had applied for issuance of patta in respect of a plot bearing Khasra Nos. 546 and 547 situated at village Kismidesar, admeasuring 320 square yards, during the year 2014. It is further undisputed that the applicant deposited the entire conversion charges as well as the development fee in accordance with the demand raised by the competent authority. The order passed by the court below further reveals that the applicant executed the requisite certificate on his own behalf and duly submitted the same to the concerned authority. The applicant has specifically disclosed that vide order dated 09.07.2014, the Urban Development Department, Government of Rajasthan, issued guidelines providing for issuance



of patta in respect of applications submitted during the that period, subject to deposit of the full prescribed amount. It is also borne out from the record that the non-issuance of the lease in favour of the applicant is sought to be justified on two grounds only, namely, that the concerned Arazi Khasra has not been mutated in the applicant's name and that the applicant did not submit the original ownership documents within the stipulated time.

5. Before advertng to the merits of the case, it would be apposite to notice the statutory provisions governing the controversy involved in the present matter. For the sake of ready reference and proper appreciation, Sections 22A and 22B of the Act of 1987 are reproduced hereinbelow:-

22A. 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 22B;

(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, in the public interest, by notification, declare to be a public utility service for the purposes of this Chapter.

MINISTRY OF LAW AND JUSTICE
(Department of Justice)



NOTIFICATION

New Delhi, the 16th February, 2016

S.O. 495(E).-In pursuance of clause (b) of section 22A of the Legal Services Authorities Act, 1987 (39 of 1987), the Central Government in the public interest hereby declares the following services to be public utility services with effect from the date of publication of this notification in the Official Gazette, namely:

- (a) education or educational institutions, or
- (b) housing and real estate service.

22B. Establishment of 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.

5.1 From a bare perusal of the statutory provisions, it is manifest that the PLAs were constituted with a limited and specific object, namely, to adjudicate disputes pertaining to public utility services. The legislative intent behind their establishment is clear and





unambiguous, to provide an efficacious, expeditious, and pre-litigation mechanism for resolution of disputes concerning essential services, thereby reducing the burden on regular civil courts which are already inundated with civil litigation.

5.2 The scope of public utility services initially encompassed services such as transport, postal, telegraph, supply of water, electricity, sanitation, hospital services and insurance. Subsequently, by way of notification dated 16.02.2016 passed by Ministry of Law and Judtice (Department of Justice), the ambit was expanded to include education or educational institutions and housing and real estate services. The inclusion of these services was guided by the same objective, resolution of service-related disputes at the threshold stage, where the nature of the dispute is essentially consumer-centric and does not involve adjudication of complicated questions of fact or law.

6. Coming to the issue of issuance of patta, it is pertinent to note that the same is intrinsically a function rooted in revenue administration. Though housing and real estate services now form part of public utility services, the issuance of patta, by its very nature, cannot ordinarily be construed as a service falling within that category. A clear and conscious distinction exists between services rendered by housing authorities or real estate developers on the one hand, and administrative or sovereign revenue functions of the State on the other. The expression "housing and real estate services" primarily refers to consumer-oriented services, such as construction of residential units, development of



housing projects, and provision of amenities like roads, water supply, electricity, drainage and maintenance of housing complexes. In cases where a developer or authority fails to deliver such promised services, resulting in deficiency, the jurisdiction of the PLA may legitimately be invoked. Issuance, cancellation or modification of patta stands on an entirely different footing. These acts involve determination of title, ownership and proprietary rights, which are matters of serious civil consequence. Such questions are inherently complex and demand adjudication through a properly constituted forum, following a full-fledged procedure of law. The determination of rights and title cannot be undertaken by the PLA, whose jurisdiction is summary and circumscribed by statute. Such matters fall squarely within the domain of civil courts, revenue courts or other competent judicial fora, as provided under the relevant enactments.

7. This Court is conscious of the fact that PLAs have been established to ensure speedy justice and to unclog the dockets of regular courts. However, the salutary object of expedition cannot be achieved by bypassing or truncating legally mandated procedures. Every legal process cannot be cut short in the name of speed. The Act of 1987 was never intended to supplant regular civil or revenue proceedings, nor to act as a substitute for a properly instituted suit where substantive rights are in question. The legal framework in our country rests on the principle that while substantive law defines rights, a uniform and structured procedural law provides the pathway for enforcement of those



rights. Such uniformity ensures parity among citizens, prevents arbitrariness, and eliminates allegations of discrimination. The procedure enacted by the legislature, and approved through democratic process, is meant to apply equally to all litigants. Any deviation from this uniform procedure, without statutory sanction, would strike at the very root of rule of law.

8. This Court is of the considered view that the PLA is a quasi-judicial authority having a limited and circumscribed jurisdiction. The PLA is not a court of plenary jurisdiction and does not possess the authority to adjudicate disputes by adopting the regular and elaborate procedure of law as is required in civil proceedings. Its jurisdiction is confined strictly to the matters contemplated under Section 22A of the Act of 1987, and that too in cases where no complex questions of law or fact are involved, where rights are not required to be finally determined, and where title, ownership or proprietary rights over immovable property are not in issue.

8.1 The very object behind the constitution of PLAs is to provide a speedy, consensual and summary mechanism for resolution of disputes relating to public utility services at the pre-litigation stage. It was never the legislative intent to convert the PLA into an alternative forum to civil courts for adjudication of intricate civil disputes, especially those involving property rights, succession, transfer, or competing claims of ownership.

8.2 The scope of the authority under Section 22A cannot be stretched beyond its statutory contours. Any attempt to adjudicate matters outside this framework amounts to a clear transgression



of jurisdiction, cloaked under the guise of “housing and real estate services”. Merely because housing and real estate services have been included within the definition of public utility services, it does not follow that disputes relating to partition, transfer of property, succession, determination of title, or identification of rightful lessor or lessee would automatically fall within the domain of the PLA. Such an interpretation would render nugatory the well-settled jurisdiction of civil courts under Section 9 of the CPC, which mandates that all civil disputes of this nature shall be tried by competent civil courts unless expressly barred. The PLA cannot be permitted to short-circuit the due process of law by assuming jurisdiction over matters which inherently require full-fledged adjudication, appreciation of evidence, and determination of substantive civil rights. The issues which are otherwise triable exclusively by civil courts cannot be decided by the PLA merely on the pretext of providing expeditious justice.

8.3 In the present case, the question of grant of patta is not a simple or ministerial act. It necessarily involves adjudication on several foundational aspects, such as, whether the applicant possesses any enforceable entitlement; in whose name the property stands; whether there exists any rival or third-party claim; whether such claim is legitimate and legally sustainable; whether rights flow by way of succession; the applicability or otherwise of the Transfer of Property Act and the Indian Contract Act; and whether any proprietary or possessory rights have accrued under the relevant revenue laws, thereby entitling the



applicant to seek issuance of patta. These issues are intrinsically complex, involve determination of civil and proprietary rights, and fall far beyond the permissible arms of the PLA. Such questions can only be adjudicated by a competent civil court, after adopting the due process of law, and not by a summary forum exercising limited statutory jurisdiction. Any order passed by the PLA in such matters, therefore, suffers from a patent lack of jurisdiction and constitutes an impermissible exercise of authority, amounting to a jurisdictional overreach rather than a lawful adjudication.

9. In view of the foregoing discussion, this Court is of the considered opinion that the PLA has clearly transgressed the limits of its jurisdiction in passing an order directing issuance/grant of patta in favour of the respondent. Such relief could only have been granted through due process of law and not by adopting a shortcut mechanism.

10. Accordingly, the writ petition deserves to be allowed. The impugned order dated 17.01.2018 passed by the Permanent Lok Adalat, Bikaner is hereby quashed and set aside.

11. Stay petition and all pending applications stands disposed of.

12. No order as to costs.

(FARJAND ALI),J

191-Mamta/-