



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



S.B. Civil Writ Petition No. 971/2024

1. Municipal Corporation, Bikaner through its Commissioner,  
Municipal Corporation, Bikaner.
2. State of Rajasthan, Through Collector, Bikaner.

-----Petitioners

Versus

-----Respondents

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For Petitioner(s) : Mr. Shyam Sunder Ladrecha  
Mr. Devendra Singh Pidiyar

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**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR**

**Order**

**REPORTABLE**

**20/02/2024**

1. Heard learned counsel for the petitioners.
2. The present writ petition has been filed against the order dated 02.08.2023 passed by the Permanent Lok Adalat, Bikaner, whereby, a compensation of Rs.3,00,000/- (Rs. Three Lakhs only) has been awarded in favour of the private respondent Nos.1 to 5.





3. Briefly, the facts noted in the present case are that on 06.08.2019, while Smt. Santosh Devi (wife of respondent No.1 and mother of respondent Nos.2 to 5) was going on the Gajner road in Bikaner, she was hit by a stray bull. On account of the injuries suffered, Smt. Santosh Devi was taken to the Kothari Hospital from where she was referred to P.B.M Hospital, Bikaner. At P.B.M. Hospital Bikaner, Smt. Santosh Devi succumbed to the injuries suffered by her and a death certificate to that effect was issued by Municipal Corporation, Bikaner on 21.08.2019. In these circumstances, the private respondents preferred an application under Section 22 of the Legal Services Authorities Act, 1987 (hereinafter referred to as 'the Act of 1987') before the Permanent Lok Adalat, Bikaner for grant of compensation for the death of Smt. Santosh Devi who was hit by a stray Bull on the Gajner Road, Bikaner. The Permanent Lok Adalat, vide its judgment and award dated 02.08.2023, ordered the petitioner-Municipal Corporation, Bikaner to pay a compensation of Rs.3,00,000/- in favour of the private respondent. Aggrieved by the judgment and award dated 02.08.2023, the present writ petition has been filed by the Municipal Corporation, Bikaner.

4. Learned counsel for the petitioner-Municipal Corporation, Bikaner vehemently submits that the Permanent Lok Adalat had no jurisdiction to deal with the matter as the services rendered by the petitioner does not fall in the category of 'public utility service' as mentioned in Section 22-A (b) of the Act of 1987 and, therefore, the learned Permanent Lok Adalat, while passing the judgment and award dated 02.08.2023, exceeded its jurisdiction. Learned counsel further submits that the objection with respect to the jurisdiction was also taken by the petitioners before the



Permanent Lok Adalat, however, the same was not properly dealt with by the Permanent Lok Adalat and therefore, the Permanent Lok Adalat committed an error while passing the judgment and award dated 02.08.2023.

5. Learned counsel for the petitioner submits that the petitioner-Municipal Corporation is not under an obligation to prevent the movement of stray animals on the streets, however, he fairly submits that the Cow and Bull involved in the incident were stray animals roaming on the road of the petitioner-Municipal Corporation, Bikaner. Learned counsel also submits that the order passed by the Permanent Lok Adalat, Bikaner is not in conformity with the provisions of law and, therefore, the same may be quashed and set-aside and the respondents may be directed to avail appropriate remedy available under the law.

6. I have considered the submissions made at the Bar and have gone through the relevant record of the case including the impugned judgment and award dated 02.08.2023.

7. To appreciate the controversy in correct perspective, clause (b) of Section 22-A of the Act of 1987 is reproduced hereinbelow:

**Section 22A (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"



8. In the present case, as per sub-clause (iv) of clause (b) of Section 22-A of the Act of 1987 i.e. system of public conservancy or sanitation, the petitioner-Municipal Corporation, Bikaner is under an obligation to provide the same to the utmost satisfaction of the public. Since, the petitioner has failed to provide proper conservancy and sanitation, the stray animals are seen on roads as they get the eatables and garbage lying on the roads/pavements which they consume. Since, in the present case, the petitioner has failed to keep the stray bulls and cows off the road, it has resulted into a number of accidents taking place everywhere including the one in hand at Bikaner.

9. In the present case, since it is factually not disputed that the incident had taken place on account of a stray Bull and Cow hitting Smt. Santosh Devi who succumbed to the injuries suffered by her, this Court is of the view that the petitioner-Municipal Corporation, Bikaner has failed to render its services and duties as mandated by law and expected of them.

10. Learned Permanent Lok Adalat, Bikaner has taken note of the reply filed by the respondents (petitioners herein) and thereafter on 16.05.2023 a proposal given by the petitioners (private respondents herein) was submitted to the respondents (petitioners herein), however, the same was rejected by them and it was taken note of by the Permanent Lok Adalat vide its order sheet dated 06.06.2023. In these circumstances the learned Permanent Lok Adalat taking recourse to the provisions of sub-section 7 and 8 of Section 22-C decided the application preferred by the private respondents. Section 22-C of the Act of 1987 speaks about the cognizance of the cases of Permanent Lok



Adalat. For brevity, sub-section 5, 6, 7, & 8 of Section 22-C are reproduced as under:

“(5) The Permanent Lok Adalat shall, during conduct of conciliation proceedings under sub-section (4), assist the parties in their attempt to reach an amicable settlement of the dispute in an independent and impartial manner.

(6) It shall be the duty of every party to the application to cooperate in good faith with the Permanent Lok Adalat in conciliation of the dispute relating to the application and to comply with the direction of the Permanent Lok Adalat to produce evidence and other related documents before it.

(7) When a Permanent Lok Adalat, in the aforesaid conciliation proceedings, is of opinion that there exist elements of settlement in such proceedings which may be acceptable to the parties, it may formulate the terms of a possible settlement of the dispute and give to the parties concerned for their observations and in case the parties reach at an agreement on the settlement of the dispute, they shall sign the settlement agreement and the Permanent Lok Adalat shall pass an award in terms thereof and furnish a copy of the same to each of the parties concerned.

(8) Where the parties fail to reach at an agreement under sub-section (7), the Permanent Lok Adalat shall, if the dispute does not relate to any offence, decide the dispute.”

11. A bare perusal of sub-section 5 to 8 of Section 22C makes it clear that the Permanent Lok Adalat during the conduct of conciliation proceedings shall make endeavor to arrive at a settlement in such proceedings and if the settlement is not arrived at, then recourse to sub-section 8 shall be taken and the matter will be decided by the Permanent Lok Adalat (if the dispute does not relate to any offence).

12. The Permanent Lok Adalat has taken all steps for fruitful conciliation of the matter and since the settlement could not be arrived at, the recourse to sub-clause (8) of





Section 22-C of the Act of 1987 has been resorted to. This Court is of the view that since the petitioners have failed to discharge their duties for removal of the garbage and eatables from the streets resulting into the stray animals wandering on the streets, the Permanent Lok Adalat had the jurisdiction in the wake of Section 22A (b) (iv) of the Act of 1987 to deal with the matter and has correctly adjudicated the application preferred by the private respondents.

13. In this view of the matter, the Permanent Lok Adalat has rightly taken into consideration the purport of Section 22-C of the Act of 1987 and has correctly decided the matter.

14. This Court also takes note of the fact that the basic duty of the petitioner-Municipal Corporation to upkeep the system of public conservancy and sanitation is not being performed properly giving rise to the fact that stray animals are seen in every nook and corner of the cities creating havoc on the passer-by resulting into incidents taking place on daily basis. It is high time when a recourse, as has been taken by the Permanent Lok Adalat, is resorted to by awarding compensation to the persons who have suffered injuries and deaths in such cases. The stringent action of fastening the liability on the Municipal Corporation to pay the compensation in such cases will be helpful in preventing such accidents in future and will force the officials to discharge their duties sincerely and faithfully.

15. In similar circumstances, a co-ordinate Bench of this Court at Jaipur had also rejected the writ petition bearing No.25944/2018 (Gram Panchayat Indrapura Vs. Kajodmal & Ors.) arising out of the order passed by the Permanent Lok Adalat vide its order dated 30.11.2018.



16. In this view of the matter, I am not inclined to interfere in the order passed by the Permanent Lok Adalat awarding Rs.3,00,000/- (Rs. Three Lakhs only) as compensation vide its judgment and award dated 02.08.2023. The petitioner may recover the compensation awarded by the Permanent Lok Adalat from the persons/officers who were negligent and have failed to perform their duties as mandated in law for preservation and maintenance of public conservancy or sanitation.

17. The writ petition is, therefore, dismissed.

**(VINIT KUMAR MATHUR),J**

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