



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 10<sup>TH</sup> DAY OF FEBRUARY, 2023**

**BEFORE**

**THE HON'BLE MS. JUSTICE JYOTI MULIMANI**

**WRIT PETITION NO. 798 OF 2013 (GM-RES)**

**BETWEEN:**

SRI B. RANGANATH HEGDE

1(a). SMT. VIJAYALAKSHMI R. HEGDE

1(b). MR.RANJIT HEGDE

1(c). DR.RATHIKA RAI

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THE JASKUMAR N  
Location: HIGH  
COURT OF  
KARNATAKA

...PETITIONERS

(BY SMT. LATHA SHETTY., ADVOCATE)

**AND:**

1. THE KARNATAKA STATE LEGAL SERVICES AUTHORITY.,  
NYAYA DEGULA,  
1<sup>ST</sup> FLOOR, H. SIDDAIAH ROAD,  
BANGALORE - 560 027.  
REPRESENTED BY MEMBER SECRETARY.



2. DISTRICT LEGAL SERVICES AUTHORITY,  
D.K. MANGALORE - 575 003.  
REPRESENTED BY CHAIRMAN.
3. THE PERMANENT LOK ADALAT,  
KARNATAKA STATE LEGAL SERVICES AUTHORITY,  
TAKSHILA BUILDING,  
BALLALABAG,  
MANGALORE- 575 003.  
REPRESENTED BY CHAIRMAN.
4. THE NATIONAL LEGAL SERVICES AUTHORITY,  
12/11 JAM NAGAR HOUSE,  
SHAHJAHAN ROAD,  
NEW DELHI - 110 001.  
REPRESENTED BY UNDER SECRETARY.
5. THE GOVERNMENT OF INDIA  
MINISTRY OF LAW AND JUSTICE,  
DEPARTMENT OF LEGAL AFFAIRS,  
MAYAPURI,  
NEW DELHI - 110 064.  
REPRESENTED BY SECRETARY. ...RESPONDENTS

(BY SRI. M.N. UMASHANKAR., ADVOCATE FOR R1 TO R3;  
SRI. MANJUNATH., ADVOCATE FOR  
SRI. BIPIN HEGDE., ADVOCATE FOR R4;  
SRI. KUMAR.M.N., ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &  
227 OF THE CONSTITUTION OF INDIA, SEEKING CERTAIN  
RELIEFS.

THIS PETITION, COMING ON FOR PRELIMINARY  
HEARING IN 'B' GROUP, THIS DAY, THE COURT MADE THE  
FOLLOWING:



**ORDER**

Smt.Latha Shetty., learned counsel for the petitioner, Sri.M.N.Umashankar., learned counsel for respondents 1 to 3, Sri.Manjunath., learned counsel on behalf of Sri.Bipin Hegde., for respondent No.4 and Sri.Kumar. M.N., for respondent No.5 has appeared in person.

During the pendency of the Writ Petition, the original petitioner has died and his legal representatives are brought on record.

I regret to begin the order in this manner. This is an unfortunate case. It is as well to glance and study for a few moments the background of this very unfortunate event that has happened in the case.

The Permanent Lok Adalat was established as per Section 22 B of the Legal Services Authority Act, 1987. The petitioner was appointed as a Member of the Permanent Lok Adalat, Karnataka Legal Services Authority with effect from 21.07.2007. On 13.05.2008, Rule 3 of the Permanent Lok Adalat (other Terms and Conditions of appointment of Chairman and other Persons) Rules, 2003 was amended by the



Government of India vide notification F.No.A-60011/60/2006-ADM-III (LA) (NALSA) published in the Gazette of India. The National Legal Services Authority communicated to the Karnataka Legal Services Authority about the amendment and sent a copy of the Notification dated 13.05.2008 and instructed them to take necessary action to pay sitting fees as per the amendment Notification dated 13.05.2008. The Karnataka Legal Services Authority informed the District Legal Services Authority about the payment of fee to the Chairman and Member of Permanent Lok Adalat under the terms of the amended Rules, 2008 i.e., for payment of a sitting fee per sitting of Rs.500/- (Rupees Five Hundred only) for the Member of Permanent Lok Adalat as against Rs.400/- (Rupees Four Hundred only).

The Petitioner was paid the sitting fee as per amended Rules until his retirement on 20.07.2012. The Chairman of the permanent Lok Adalat K.Radhakrishna Holla was transferred as Chairman of Permanent Lok Adalat, Bangalore hence, the Karnataka Legal Services Authority appointed the petitioner to hold additional charge of the post of Chairman of the permanent Lok Adalat, Mangalore. The petitioner was holding



the in-charge post of chairman of Permanent Lok-Adalat and requested to pay an additional charge allowance for holding the post of Chairman in charge. Without replying to the representation dated:11.05.2012, the KSLSA directed the petitioner to hand over the charges of the Chairman in-charge of Permanent Lok Adalat. The petitioner retired as a member of the permanent Lok Adalat on 20.07.2012.

The petitioner once again requested to pay an additional charge allowance when demitting the post of an officer of In-Charge Chairman for the period 07.10.2011 to 20.07.2012. He received a communication that he is not entitled to additional charge allowance.

As things stood thus, on 31.08.2012, the KSLSA issued a Communication to the Chairman of the DLSA to recover a sum of Rs.46,800/- (Rupees Forty Six Thousand and Eight Hundred only) being the excess sitting fee stated to have been drawn by the petitioner. The DSLA sent a Communication to the petitioner to refund a sum of Rs.47,200/- (Rupees Forty Seven Thousand and Two Hundred only) being the excess sitting fee. The petitioner suitably sent a reply to the KSLSA and a copy of



the reply was also sent to DLSA requesting them to withdraw the Communication. However, the KSLSA once again sent a Communication/ demand notice calling upon the petitioner to refund a sum of Rs.46,900/- (Rupees Forty Six Thousand and Nine Hundred only) within a week.

Under these circumstances, petitioner having left with no other alternative and efficacious remedy, has filed this Writ Petition under Articles 226 & 227 of the Constitution of India.

3. Learned counsel for the petitioners and respondents have urged several contentions.

4. Heard, the contentions urged on behalf of the respective parties and perused the Writ papers and also the Annexures with utmost care.

5. The following question arises for my consideration.

Is the Chairman and Member Secretary are justified in seeking the remittance of the amount?

The simple answer is unjust and improper.

The facts are stated sufficiently and the same does not require reiteration.



Suffice it to note that on 13.05.2008, Rule 3 of the Permanent Lok Adalat (other Terms and Conditions of appointment of Chairman and other Persons) Rules, 2003 was amended by the Government of India vide notification F.No.A-60011/60/2006-ADM-III (LA) (NALSA) published in the Gazette of India. By this amendment, per sitting charges were enhanced from Rs.400/- (Rupees Four Hundred only) to Rs.500/- (Rupees Five Hundred only). As I read the Notification, it also makes it clear that every Member of the Permanent Lok Adalat is entitled to the payment of a sum of Rs.500/- (Rupees Five Hundred only) per sitting. I desire to add a few words. The Karnataka State Legal Services Authority is the pioneer in making an attempt to resolve the disputes by conducting Lok Adalath. However, in the present case, it has proceeded to contest the litigation. With the utmost respect to the learned Chairman and the Member Secretary and if I may say so, KSLSA and DLSA misinterpreted the Notification and communicated to the petitioner to remit the amount. That was a grave error that should not be allowed to occur again in an unfortunate event of another conflict. I am of the opinion that



the communications cannot be sustained and the petition must be allowed.

The result is that the writ petition will be allowed. This Court orders a writ of certiorari. The Demand notice/ Communications dated 03.12.2012, 08.11.2012, 12.09.2012 and 31.08.2012 issued by the first and second respondents vide Annexures-A, B, C & D are quashed.

Resultantly, the Writ Petition is **allowed**.

I hope that such an *unfortunate event* will never happen. What we want to achieve is the most efficient and up-to-date method of resolving the dispute. Mitigate and not litigate.

**Sd/-  
JUDGE**

TKN  
List No.: 2 Sl No.: 16