

Daulat Ram And Ors. vs Panchayat Adalat And Ors. on 5 November, 1953

Equivalent citations: AIR1954ALL306, AIR 1954 ALLAHABAD 306

ORDER

Harish Chandra, J.

1. This is an application directed against the decision of a panchayati adalat. From the Judgment of the panchayati adalat it appears that they upon a secret inquiry made by a "commission" of the adalat. They say that the secret inquiry proved that the complaint was true. No doubt they have considered the other evidence also which was on the record. But there can be no doubt that they were in their decision largely influenced by the secret inquiry.

2. Such secret inquiry is not permitted by the provisions of the U. P. Panchayat Raj Act. No doubt according to Section 83 of the U. P. Panchayat Raj Act, it is the duty of the panchayati adalat to ascertain the facts of every case before it by every means in its power. It further permits the panchayati adalat to make a local investigation in the village to which the dispute relates. But such local investigation cannot be allowed to take the shape of a secret inquiry. Such secret inquiry would, in my view, not be "lawful".

In this view of the matter the procedure- adopted by the panchayati adalat appears to be illegal.

3. I accordingly quash the order passed by the panchayati adalat on the 16th of July, 1951. The fines if paid will be refunded to the applicants.