



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.2621 of 2015

P.Paulchamy

... Petitioner

Vs.

1.The Judicial Magistrate,
Tirumangalam,
Madurai District.

2.The Sub Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai. (Cr.No.253/2009)

3.Prathaban @ Prabu
4.Desingu @ Kopusamy
5.Alagarsamy
6.Rajamanikam
7.Thavamani

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in L.A.No.1808 of 2013 pertaining to calender case No.300 of 2009 on the file of the Judicial Magistrate Court, Thirumangalam, Madurai District and quash the same as illegal and consequently, direct the 1st respondent to conduct the trial proceedings in accordance with law.

For Petitioner : Mr.C.M.Arumugam

For Respondent : Mr.M.Alagathevan, Spl.G.P.for R2

O R D E R

(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed under Article 226 of the Constitution of India to quash the order passed in Lok Adalat in L.A.No.1808 of 2013 pertaining to Calender Case No.300 of 2009 on the file of the learned Judicial Magistrate, Thirumangalam, Madurai District as illegal and consequently, direct the first respondent to conduct the trial proceedings in accordance with law.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the second respondent.

3.Learned counsel appearing for the petitioner drew the attention of this Court to page No.19 of the typed set of papers, wherein, an award passed in Lok Adalat in L.A.No.1808 of 2013. As per the award,



the complainant is stated as Sub Inspector of Police, Tirumangalam Police Station and another party is stated as Prathaban @ Prabhu. Admittedly, the matter has been settled between the parties and the petitioner herein is not a party to the award. It is well settled proposition of law that no award or decree would bind a person who is not a party to the award or decree. If a person who is not a party to a proceeding wants to challenge the decree or award, he should file only an independent suit seeking declaratory relief and not by way of filing Writ petition, since the same is based on disputed question of fact which needs appreciation of evidence.

4. On the aforesaid facts and circumstances, we find it just and reasonable to dismiss the Writ petition since, the petitioner is not a party to the proceedings in question, which is not binding on him and which cannot be challenged by way of Writ petition.

5. In the result, the Writ petition is dismissed. However, it is made clear that the petitioner can approach the appropriate forum for legal remedy according to law. No costs.

Sd/-

Assistant Registrar(AE)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Judicial Magistrate,
Tirumangalam, Madurai District.

2. Do-Thro' The Chief Judicial Magistrate,
Madurai.

3. The Sub Inspector of Police,
Thirumangalam Taluk Police Station, Madurai.

+1cc to Special Govt. Pleader SR.No. 9659

+1cc to Mr.C.M.Arumugam, Advocate, SR.No.9209

W.P. (MD) No.2621 of 2015
27.02.2015

nbj

NA/30.03.2015/2P/6C