

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

CIVIL REVISION PETITION NO.2900 OF 2017

ORDER:

This petition, under Section 115 of C.P.C., is filed challenging the order, dated 02.03.2017 in E.P.No.19 of 2014 in P.L.C.No.60 of 2010 (dated 19.12.2011) passed by the VI Additional District Judge, Siddipet in dismissing the execution petition on the ground that the award passed by Mandal Legal Services Authority in PLC No.60 of 2010 is not in accordance with the award under the provisions of CPC or any other provisions.

Heard learned counsel for the petitioner at the stage of admission.

The main contention of the petitioner is that the parties have appeared and they cannot afford to litigate further and the Mandal Legal Services Authority has not properly drafted the order and requests the Court to remand the matter to the Mandal Legal Services Authority.

In view of the order passed by the VI Additional District Judge, Siddipet, it is relevant to extract the entire award passed by the Mandal Legal Services Authority in PLC.No.60 of 2010 for better appreciation, hereunder:

“Petitioner present. The RDO, Siddipet after conducting enquiry sent a report to the respondent i.e., Tahsildar, Siddipet and directed as per letter No.D/2922/2009, dated 02.08.2011 directed to settle the dispute of the petitioner within 15 days as per Section 22(5)(i)(ii) of ROR Act and submit report compliance. It is also mentioned that the petitioner is entitled to get 13(b) certificate in respect of his lands bearing Sy.No.527/AA extent Acs.2.07 guntas, Sy.No.528/A extent Ac.1.27 guntas, Sy.No.529/AA extent Acs.4.00 guntas, Sy.No.530 extent Acs.2.20 guntas and Sy.No.531 extent Ac.1.20 guntas and he has already deposited registration fee and stamp duty charges. Since a

specific direction given by the RDO to the Tahsildar, Siddipet for settling the dispute and also for implementation, this Lok Adalat is hereby further directs to implement the order passed by the R.D.O., Siddipet as early as possible. Accordingly, the award is passed.”

The last few lines of the award disclose that since specific direction was given by the RDO to Tahsildar, Siddipet to settle the dispute and also for implementation of the direction, the Mandal Legal Services Authority directed to implement the order passed by the RDO, Siddipet as early as possible. It is not known what direction was given to Tahsildar by RDO, but simply award is passed directing to implement the orders passed by the RDO. In the absence of any specific direction in the award, it is difficult to execute the order against the respondents in E.P. and it appears from the award that the Mandal Legal Services Authority passed such award without applying its mind for one reason or other. On the other hand, those awards would multiply the litigation and it would frustrate the intention of legislature.

No doubt, the award is not executable, but this Court cannot direct the Mandal Legal Services Authority to pass appropriate award, as the order passed by District Judge, i.e., executing Court is under challenge.

Considering the facts and other material available on record while exercising the jurisdiction under Section 115 of CPC in a petition filed challenging the order dated 02.03.2017 in E.P.No.19 of 2014 in P.L.C.No.60 of 2010 passed by VI Additional District Judge, Siddipet, I am unable to accept the request of the learned counsel for the petitioner to remand the matter to the Mandal Legal Services Authority. Further it is left open to the petitioner to seek appropriate remedy before appropriate Court challenging the

award or seeking a direction against the Mandal Legal Services Authority for passing appropriate award.

With the above observation, the Civil Revision Petition is disposed of at the stage of admission. No costs.

Miscellaneous petitions, if any, pending in this petition shall stand closed.

M. SATYANARAYANA MURTHY, J

JUNE 29, 2017

ssp

