

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.03.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.5099 of 2018
and
W.M.P.No.6271 of 2018

P.Munusamy

...Petitioner

Versus

1. The District Collector,
Thiruvallur.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
3. The District Revenue Officer,
(Land Acquisition),
Outer Ring Road Project,

Chennai Metropolitan Development Authority,
Koyambedu,
Chennai - 600 092.
4. The Special Tahsildar (LA),
Outer Ring Road Project Unit - V,
Koyambedu,
Chennai - 600 092.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the first respondent on 05.11.2017 in Lr.Rc.No.6209/2014/F3 and quash the same and consequently direct the respondents 1 to 4 to release the lawful compensation to the petitioner towards the acquisition of his wet lands measuring an extent of 0.14.5 Ares in S.No.77/14A of Mukthapudupet Village of Ambattur Taluk along with appropriate interest.

For Petitioner : Mr.R.Dhamodaran

For Respondents : Mr.M.Karthikeyan,
Additional Government Pleader

ORDER

1.1. The case of the petitioner is that petitioner owned 0.14.5 ares of wet land in Survey No.77/14A of Mukthapudupet Village, Ambattur Taluk, and that the said land was acquired along with other lands under the Land Acquisition Act, 1894 (hereinafter referred to as "Act") and an award was passed in Award No.4/2006 dated 24.02.2006.

1.2. The grievance of the petitioner is that one of the land owners had sought for a reference under Section 18 of the Act and the same was taken on file in L.A.O.P.No.307/08. This was disposed of before the Lok Adalat, and the compensation was enhanced Vide an award of the Lok Adalat dated 21.12.2013. Therefore, the petitioner moved the District Collector under Section 28-A of the Act to extend parity in the matter of payment of compensation to him, based on the aforesaid award of the Lok Adalat. The petitioner's representation is tossed up between the Special Tahsildar (Land Acquisition) and the District Revenue Officer (Land Acquisition) for Outer Ring Road Project. As a result, the petitioner was constrained to move this Court in W.P.No.2871 of 2017 and Vide an order dated 06.02.2017, this Court directed the Authorities concerned to consider the representation of the petitioner. Pursuant to this, the District Collector, Tiruvallore Vide proceedings dated 05.11.2017, which is now impugned before this Court, rejected the petitioner's request to invoke Sec.28A of the Act, on the ground that an award of the Lok Adalat cannot be equated to the Award of the Sub Court, passed for Reference under Section 18 of the Land Acquisition Act, 1894.

2. Mr.M.Karthikeyan, the learned Additional Government Pleader takes notice for the respondents.

3. The learned counsel for the petitioner submits what the Lok Adalat does is it does not create a new litigation. It only decided a dispute in one of the modes statutorily available for the Court to decide an action. It is under these circumstances, if an award of the Lok Adalat is not recognised by the Authorities concerned, then it would defeat the object of statutory institution of Lok Adalat as a mechanism of Alternate Dispute Redressal forum.

4. Mr.M.Karthikeyan, the learned Additional Government Pleader has fairly submitted that awards of Lok Adalat resolving the dispute even in the matters pending before the Court in Reference under Section 18 of the Act shall be accorded the same status as any other proceedings pending the Court. What is resolved by Lok Adalat is what the Civil Court is required to decide, except that the Civil Court decides an issue on the

basis of adversarial jurisprudence whereas award of the Lok Adalat derives the issue based on willingness of the parties. Section 89 of Civil Procedure Code reads as follows:

"89. Settlement of disputes outside the Court -

(1) Where it appears to the court that there exist elements of a settlement which may be acceptable to the parties, the court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the court may reformulate the terms of a possible settlement and refer the same for -

- (a) arbitration;
- (b) conciliation;
- (c) judicial settlement including settlement through Lok Adalat; or
- (d) mediation.

(2) Where a dispute has been referred -

(a) for arbitration or conciliation, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply as if the proceedings for arbitration or conciliation were referred for settlement under the provisions of that Act.

(b) to Lok Adalat, the court shall refer the same to the Lok Adalat in accordance with the provisions of sub-section (1) of section 20 of the Legal Services Authority Act, 1987 (39 of 1987) and all other provisions of that Act shall apply in respect of the dispute so referred to the Lok Adalat.

(c) for judicial settlement, the court shall refer the same to a suitable institution or person and such institution or person shall be deemed to be a Lok Adalat and all the provisions of the Legal Services Authority Act, 1987 (39 of 1987) shall apply as if the dispute were referred to a Lok Adalat under the provisions of the Act.

(d) for mediation, the court shall effect a compromise between the parties and shall follow such procedure as may be prescribed."

5. The above said provisions would indicate that the reasoning of the first respondent/District Collector for rejecting the petitioner's prayer to invoke Section 28A of the Land Acquisition Act is too narrow. There are principles of Legal Service Authorities Act as well as Section 89 CPC. They cannot

be ignored.

6. In the result, this Writ Petition is disposed of and the impugned order dated 05.11.2017 issued by the first respondent is hereby quashed and the matter is remanded back to the first respondent with a direction to extend the benefit under Section 28-A of the Land Acquisition Land, 1894, to the petitioner as indicated. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The District Collector,
Thiruvallur.
2. The District Revenue Officer,
Thiruvallur District,
Thiruvallur.
3. The District Revenue Officer,
(Land Acquisition),
Outer Ring Road Project,
Chennai Metropolitan Development Authority,
Koyambedu,
Chennai - 600 092.
4. The Special Tahsildar (LA),
Outer Ring Road Project Unit - V,
Koyambedu,
Chennai - 600 092.

+1cc to Mr.R.DHAMODARAN, Advocate, S.R.No.18699

W.P.No.5099 of 2018

SPD(CO)
TR(12/07/2018)