

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7010 of 2015

and

MP.No. 1of 2015

R.Ramadoss

..Petitioner

vs

1.S.Vasantha Ammal

2.The Tahsildar,
Taluk Office,
Katpadi.

..Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of declaration to declare that the award dated 06.12.2014 passed by the Lok Adalat, Katpadi in L.A.C.No.156 of 2014 pertaining to pending case C.M.P.No.4991 of 2014 on the file of the Learned Judicial Magistrate, Katpadi is illegal, null and void.

For Petitioner : Mr.Arun Anbumani

For R1 : Mr.C.V.Vijaya Kumar

For R2 : M/s.A.Sri Jayanthi,
Special Government Pleader

सत्यमेव जयते
O R D E R

The present writ petition has been filed for a declaration to declare that the award dated 06.12.2014 passed by the Lok Adalat, Katpadi in L.A.C.No.156 of 2014 pertaining to pending case in C.M.P.No.4991 of 2014 on the file of the learned Judicial Magistrate, Katpadi is illegal and null and void.

2. The learned counsel appearing on behalf of the writ petitioner made a submission that the dispute between one Smt.Vasantha Ammal and the writ petitioner Mr.Ramadoss was decided by the High Court of Madras in Second Appeal No.111 of

2004 on 19.03.2014. Pursuant to the order passed in the Second Appeal, the plaintiff in the suit Smt.Vasantha Ammal filed C.M.P.No.4991 of 2014 under Section 10 (3) and 13 (3) (2) of the Registration of Birth and Death Act, 1969, read with Rule 9(3) of the Registration of Birth and Death Rule, 2000 on the file of the Judicial Magistrate, Katpadi for the relief to direct the second respondent to register the petitioner's grand father Thangavel alias Padmanaba Mandiri's date of death on 26.07.1957 in the death register maintained by the second respondent. The C.M.P. was entertained by the learned Judicial Magistrate, Katpadi and the publication was issued as per the procedures contemplated. By consent of the parties, the matter was referred to the Lok Adalat. In the CMP proceedings, the Tahsildar, Taluk Office, Katpadi had been impleaded as respondent. However, the original respondent in the Second Appeal who is the writ petitioner before this Court had not been impleaded as party respondent in the CMP proceedings. The Lok Adalat based on the consent given by the by the plaintiff Vasantha Ammal and the Tahsildar, Taluk Office, Katpadi had taken up the matter for settlement and accordingly, settlement was arrived between these two parties in L.A.C.No.156 of 2014.

3. On perusal of the order passed by the Lok Adalat, the writ petitioner Mr.Ramadoss was not at all a party and had not signed the compromise order passed by the Lok Adalat. The learned counsel for the writ petitioner raised an objection that even after filing of the C.M.P.No.4991/2014 by the first respondent Smt.Vasantha Ammal, the writ petitioner had filed his objections through his Advocate. The objections were taken on file by the learned Judicial Magistrate, Katpadi. In spite of that, no notice or opportunity was given to him to participate in the Lok Adalat proceedings. Contrarily, the Lok Adalat has passed an order behind the back of the writ petitioner and by neglecting the objections submitted by the writ petitioner in the C.M.P. proceedings.

4. No compromise order can be passed without the signature of all the parties concerned. Undoubtedly, the writ petitioner is a party to the original civil proceedings and even in the Second Appeal, he is the respondent. Such being the factum of the case, the objections filed by the writ petitioner ought to have been considered by the learned Judicial Magistrate, Katpadi as well as by the Lok Adalat at the time of taking of the case for final disposal. Contrarily, the writ petitioner did not participate in the proceedings and therefore, the compromise arrived between the first respondent and the Tahsildar is null and void.

5. In this view of the matter, the order of the Lok Adalat passed in L.A.C.No.156 of 2014 pertaining to C.M.P.No.4991 of

2014 on the file of the learned Judicial Magistrate, Katpadi is null and void and the award dated 06.12.2014 is quashed. Accordingly, the writ petitioner is entitled to restore all further proceedings in accordance with law.

6. With the above observations, the writ petition stands allowed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

lok

To

1. The Judicial Magistrate,
Katpadi.
2. The Tahsildar,
Taluk Office,
Katpadi.
3. The Zonal Deputy Tahsildar,
(Lok Adalat), Katpadi.

+1cc to Mr.Arun Anbumani, Advocate, S.R.No.37217
+1cc to Mr.C.V.Vijaya Kumar, Advocate, S.R.No.37549
+1cc to the Government Pleader, S.R.No.37935

W.P.No.7010 of 2015

CP(CO)
CS/22/06/18

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