

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4536 of 2018

Date: 02.08.2018

Between :

Smt. Shanta Devi and others.

... Petitioners

And

State of Telangana, rep. by its Secretary,
Law & Legislation Department,
Secretariat Buildings, Hyderabad and others.

... Respondents

COUNSEL FOR PETITIONERS : Sri T.V. Kalyan Singh

COUNSEL FOR RESPONDENTS : AGP for Civil Supplies for R1
Mr. J. Anil Kumar, SC for R2
Sri Vedula Srinivas,
Counsel for R.3 & 4

THE COURT MADE THE FOLLOWING:

ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of Certiorari to quash the Award dated 21.04.2012 in LAC.No.247 of 2012 on the file of the Lok Adalat, City Civil Court Legal Services Authority, Hyderabad.

At the outset, we need to observe that the petitioners have arrayed 'Sirasthidar' of the District Legal Services Authority, Hyderabad, as respondent No.2, who has no authority to represent the said authority. On this ground alone, the writ petition is liable to be dismissed.

Even otherwise also, we find no merit in the writ petition for the simple reason that the predecessor of the petitioners, namely, Ramesh Agarwal filed O.S.No.47 of 2001 on the file of the learned II Additional District Judge, Ranga Reddy District, Hyderabad, for partition of the properties, which are subject matter of the impugned Lok Adalat Award, and the same was dismissed on 30.01.2004. Assailing the said judgment and decree dated 30.01.2004 in O.S.No.47 of 2001, the said Ramesh Agarwal filed A.S.No.2437 of 2004 before this Court. After filing of the said appeal, Ramesh Agarwal died and the petitioners came on record as his legal representatives. The appeal is stated to be still pending.

Meanwhile, respondent No.3, the brother of Ramesh Agarwal, entered into a Development Agreement with respondent

No.4 in respect of the properties, which are subject matter of O.S.No.47 of 2001. Eventually, they entered into a compromise in Arbitration O.P.No.386 of 2012, which culminated in the City Civil Court Legal Services Authority, Hyderabad, passing the impugned Award dated 21.04.2012 in LAC.No.247 of 2012.

Sri T.V. Kalyan Singh, learned counsel for the petitioners, submitted that respondent Nos.3 and 4 entered into the Settlement based on the Arbitration Award dated 08.03.1999, which was declared as unenforceable in W.P.No.9727 of 2001 filed by petitioner No.1 and that, therefore, the impugned Lok Adalat Award dated 21.04.2012 passed based on such Arbitration Award dated 08.03.1999 is not sustainable.

Though, superficially considered, this submission appears to be attractive, on a detailed examination of the same, we do not find any merit therein. In the terms of Settlement, a passing statement is made that respondent No.3, who became owner of the schedule property as per the Arbitration Award dated 08.03.1999, shall not create any third party title, interest etc. Even in the absence of reference to the said Arbitration Award, respondent Nos.3 and 4 could still have entered into the Settlement. As on today, the petitioners cannot assert their right over the subject property in view of dismissal of O.S.No.47 of 2001 filed by their predecessor for partition against respondent No.3 and others. Even in

A.S.No.2437 of 2004 filed against the judgment and decree dated 30.01.2004 in O.S.No.47 of 2001, the petitioners failed to secure any interim order relating to the subject property. This being the undisputed position, the petitioners cannot prevent respondent Nos.3 and 4 from entering into Settlement. Unless the petitioners succeed in A.S.No.2437 of 2004 and establish their right over the subject property or part thereof, they have no locus to question the arrangement between respondent Nos.3 and 4 leading to passing of the impugned Lok Adalat Award. We may, however, hasten to add that any acts done by respondent Nos.3 and 4 with respect to the subject property shall be subject to the outcome of A.S.No.2437 of 2004 pending before this Court.

Subject to the above observations, this writ petition is dismissed. No order as to costs.

As a sequel to the dismissal of the writ petition, interim order dated 14.02.2018 is vacated and I.A.Nos.1, 2, 3 and 4 of 2018 shall stand closed.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

02.08.2018.

Msr

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