

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.6708 of 2018

Date: 26.07.2018

Between:

Venkumahanthi Asha Jyothi

... Petitioner

and

The Mandal Legal Services Committee,
Tekkali, Srikakulam District,
Rep. by its Chairman and 2 others

...Respondents

Counsel for the Petitioner: Mr.Saptagiri Metta

Counsel for respondent No.1: Mr.J.Anil Kumar

The Court made the following:



Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a Mandamus to set aside award, dated 09-09-2017, in Pre-Litigation Case No.29 of 2017 (for short 'the PLC'), on the file of respondent No.1- Mandal Legal Services Committee, Tekkali.

In spite of service of notice on respondent Nos.2 and 3, they have not entered appearance either in person or through a Counsel.

We have heard Mr.Saptagiri Metta, learned Counsel for the petitioner, and Mr.J.Anil Kumar, learned Standing Counsel for the Andhra Pradesh State Legal Services Authority.

The petitioner has made a representation before respondent No.1- Committee on 04-09-2018 wherein she has stated that she is a resident of Tekkali Village; that her parents passed away leaving behind them, herself and two brothers; that after the demise of her parents, she has requested her two brothers to allot the share, which she is entitled to, in the properties belonging to her parents; that her brothers have been avoiding to give away her share; and that respondent No.1 may direct her two brothers to allot her share in the properties.

Evidently, in pursuance of a notice issued by respondent No.1- Committee, respondent Nos.2 and 3 *i.e.*, the brothers of the petitioner as well as the latter appeared before respondent No.1- Committee, entered into a compromise and produced the written compromise deed. Based on the same, respondent No.1 has passed the impugned award, the terms of which read as under:

“1.That the respondents gave 2 Tulas of gold to the Petitioner and also allotted a share of land for an extent of Ac.0.20 cents out of Ac.0.36 cents of land situated at Bagavanpuram Grama Panchayat, Chintalagara Village, Tekkali Mandal under Patta No.213 in S.No.14-3 and the boundaries are East – Land of Manda Yenduvada, Ponnada Jagannadha Rao etc., West – Wet Land of Kondala Suryanarayana, South – Land of Manda Ynduvadu, North – the remaining Ac.0.16 cents of land of the respondents.

2. The respondents registered the allotted land in favour of the petitioner on 08.09.2017.

3. Particulars of B Schedule Property

S.No.	Survey No.	Extent of Land
01.	3-17	Ac.0.48 ½ cents
02.	3-09	Ac.0.89 cents
03.	11.19	Ac.0.29 cents
04.	13.17	Ac.0.10 cents
05.	14-2	Ac.0.16 cents

4. The boundaries of Daba house situated at Kacherveedhi, Tekkali under S.No.409-1, D.No.10-31 in 9 feet in east-west, 120 feet in North-South as follows: East : Vacant site of Boina Narasimha Murthy, West – a daba house of Ampalem Jayalakshmi, North – Back side of Vacant of Shambana veedhi, South – IP Road.

5. Both parties agreed not to claim anything and not filed any case in future against each other.”

In the present Writ Petition, the petitioner pleaded that after she has filed the representation before respondent No.1, the village elders and respondent Nos.2 and 3 approached her and requested to settle the issue; that believing their words, she has signed on certain white papers; that the PLC came up for hearing on 09-09-2017 before respondent No.1, which has passed the award, as per which, she was allotted the land admeasuring Ac.0.20 cents out of Ac.0-36 cents situated in Bagavanpuram Grampanchayat, Chintalagara Village, Tekkali Mandal. The petitioner has further averred that after the award was passed, she has realized that allotment of Ac.0-20 cents of land towards her share from out of her parents' property is very meager and that respondent Nos.2 and 3 were allotted larger extent of land. She further averred that she was misled by respondent Nos.2 and 3, the village elders and the Officers to sign on white papers.

On the petitioner's own averments, it is at her instance that respondent No.1 has passed the award. Though the petitioner alleged that she was deceived by the village elders and respondent Nos.2 and 3 by obtaining her signatures on white papers, she failed to substantiate the same by producing any material. The award was passed on 09-09-2017 and more than four months

thereafter, the petitioner has filed this Writ Petition. During the interregnum, she has failed to cause any notice issued to respondent Nos.2 and 3 on the alleged deception.

A perusal of the award shows that the petitioner as well as respondent Nos.2 and 3 were present before respondent No.1 and that they have also signed the award. Even if the petitioner's plea that she was made to sign on white papers, which were, allegedly, used as settlement is accepted, she did not explain as to why she signed on the Lok Adalat Award. It is not her pleaded case that she was not aware of the contents of the Lok Adalat Award before she has signed.

In the light of the above facts, we are of the opinion that filing of this Writ Petition is a pure after thought of the petitioner and her conduct in filing the same smacks of *mala fides*.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, interim order, dated 28-02-2018, is vacated and IA.No.1 of 2018 is disposed of.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 26th July, 2018
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