

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

WRIT PETITION No.24624 of 2018

26.07.2018

Between:

Chenna Kalyan Kumar

..Petitioner

and

The Chairman,
Mandal Legal Services Committee,
Nandyal, Kurnool and others

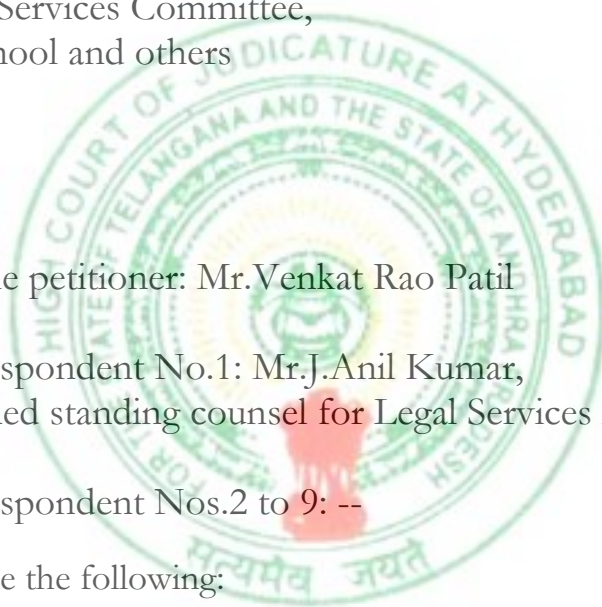
..Respondents

Counsel for the petitioner: Mr.Venkat Rao Patil

Counsel for respondent No.1: Mr.J.Anil Kumar,
learned standing counsel for Legal Services Authority

Counsel for respondent Nos.2 to 9: --

The Court made the following:



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

This writ petition is filed for issue of *mandamus* to declare award, dated 22.02.2014, in Pre-Litigation No.20 of 2014 on the file of respondent No.1 as illegal and arbitrary.

2. We have heard Mr.Venkat Rao Patil, learned counsel for the petitioner, and perused the record.

3. At the outset, we need to observe that this writ petition should not have been registered by the Registry based on a purported photocopy of the Lok Adalat award in the absence of a certified copy thereof. Be that as it may, the impugned award was passed as far back as 22.02.2014 and it is not the pleaded case of the petitioner that he is not a party to the compromise and has not signed the award. On the contrary, it is his plea that though it was mentioned in the award that he along with one Chenna Lakshmi Devi received Rs.10,00,000/- and they are entitled to receive the balance amount of Rs.90,00,000/-, they have not received both the amounts.

4. As regards the plea of the petitioner that he has not received Rs.10,00,000/-, though the award was passed as far back as 22.02.2014, he has not taken any action against respondent No.5, who, as per the award, paid the said amount, such as causing a legal notice issued to him or by approaching the Police on the allegation of cheating. Therefore, the plea of the petitioner that he has not

received Rs.10,00,000/- as mentioned in the settlement, based on which the Lok Adalat award has been passed, cannot be countenanced.

5. With regard to the plea of the petitioner that respondent No.5, having promised payment of Rs.90,00,000/-, failed to pay the same, it does not constitute a ground to question the Lok Adalat award because under Clause 11 thereof, the petitioner is conferred with a right to execute the award if such payment is not made to him.

6. Apart from the above, the petitioner has not explained the inordinate delay caused in questioning the Lok Adalat award by way of this writ petition. Thus, the writ petition suffers from uncondonable laches.

7. For all the aforementioned reasons, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed.

8. As a sequel to dismissal of the Writ Petition, I.A.No.1 of 2018 filed by the petitioner for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

26th July, 2018
GHN

