

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

W.P.No.30752 of 2018

Date : 30-8-2018

Between :

Kankipati Krishna Kumari
@ Prashanthi and another

.. Petitioners

and

The Mandal Legal Service Committee
(Lok Adalat), Kovvur, Court Complex,
West Godavari District and others

.. Respondents

Counsel for petitioners : Ch. Srinivas

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

Counsel for respondent Nos.6 to 8 : G.P. for School Education

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 Award dated 25-10-2014 passed by respondent No.1 in L.A.No.432 of 2014 in O.S.No.80 of 2014 on the file of the learned Principal Senior Civil Judge, Kovvur, West Godavari District.

We have heard Sri Ch. Srinivas, learned Counsel for the petitioners and perused the record.

On the petitioners' own showing, they have earlier filed W.P.(SR) No.23088 of 2016 along with WPMP No.6457 of 2016 for leave to file the said Writ Petition. The petitioners pleaded that the said leave application was dismissed by this Court by order dated 19-2-2016 with liberty to the petitioners to avail the remedy of a civil suit and that in pursuance of the said order, they have filed O.S.No.177 of 2016 on the file of the learned Principal Senior Civil Judge, Kovvur assailing the validity of the impugned Lok Adalat Award and that the same is pending. The cause of action pleaded by the petitioners for filing the present Writ Petition is that the Supreme Court in a Judgment has held that an Award passed under the Legal Services Authorities Act, 1987, can only be challenged by a person either under Article 226 or under Article 227 of the Constitution of India and that therefore the civil suit is not maintainable.

In our opinion, this Writ Petition is wholly misconceived as the aforementioned suit filed by the petitioners for the same relief as claimed in the present Writ Petition is pending. The Judgment of the Supreme Court referred to by the petitioners is required to be considered in the said suit wherein an issue regarding maintainability of the suit is stated to have been framed. Unless the suit is dismissed on the ground of its non-maintainability or the petitioners withdraw the said suit, they cannot avail a parallel remedy by filing the present Writ Petition. Even otherwise, we are of the opinion that as the leave application filed by the petitioners was dismissed, they cannot maintain a fresh Writ Petition unless the said order is recalled by this Court and in such an event the petitioners may be entitled to pursue WP(SR) No.23088 of 2016. Viewed from any angle, this Writ Petition is not maintainable.

The Writ Petition is accordingly dismissed.

As a sequel to the dismissal of the Writ Petition, I.A.Nos.1 and 2 of 2018 are dismissed as infructuous.

Justice C.V. Nagarjuna Reddy

Justice Gudiseva Shyam Prasad

Date : 30-08-2018

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