

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

WRIT PETITION No.35071 of 2017

12.07.2018

Between:

Chinnam Mohan Vijaya Bhaskara Rao

..Petitioner

and

The State of Andhra Pradesh,
represented by its Principal Secretary to Government,
Department of Law and Justice, Guntur and others

..Respondents

Counsel for the petitioner: Mr.M.R.L.Narasimha Rao

Counsel for respondent No.1: Government Pleader for Civil Supplies

Counsel for respondent No.2: Mr.J.Anil Kumar,
standing counsel for Legal Services Authority

Counsel for respondent No.3: Mr.Sai Gangadhar Chamarty

Counsel for respondent Nos.4 and 5: --

The Court made the following:

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

This writ petition is filed for *certiorari* to quash Lok Adalat award, dated 17.07.2017, in Lok Adalat case No.2562 of 2017 on the file of respondent No.2.

2. During the hearing, it has come out that in C.R.P.No.3118 of 2017 filed by the petitioner against the order dismissing the application filed by him under Order I Rule 10 C.P.C. for his impleadment in the suit, this Court has granted stay of further proceedings in the suit on 07.07.2017, but the Lok Adalat has passed award on 17.07.2017.

3. Mr.J.Anil Kumar, learned standing counsel for Legal Services Authority appearing for respondent No.2, based on the record, has submitted that the counsel for the petitioner has filed a memo on 14.07.2017 before the Lok Adalat stating that the suit was originally adjourned to 24.07.2017, while informing about granting of stay in the aforementioned C.R.P.

4. The learned standing counsel as well as Mr.Sai Gangadhar Chamarthy, learned counsel for respondent No.3, have submitted that before filing this writ petition, the petitioner has already filed O.S.No.227 of 2017 on the file of learned III Additional District Judge, Vijayawada, *inter alia*, pleading that the impugned Lok Adalat award does not bind him. The said fact is not disputed by Mr.M.R.L.Narasimha Rao, learned counsel for the petitioner.

5. Inasmuch as C.R.P.No.3118 of 2017 filed by the petitioner is still pending before this Court and also that the petitioner has availed the effective remedy of filing the suit *viz.*, O.S.No.227 of 2017, the necessity to adjudicate on the validity or otherwise of the Lok Adalat award only on the ground that the same was passed during the subsistence of stay granted by the Court is obviated. The petitioner can raise all the pleas, which have been raised in this writ petition, in the pending C.R.P. and also in the aforementioned suit already instituted by him.

6. Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

7. As a sequel to dismissal of the writ petition, W.P.M.P. No.43579 of 2017 filed by the petitioner for interim relief stands dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

12th July, 2018
GHN

