



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.09.2020
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD)No.7784 of 2020
and
W.M.P. (MD)Nos.7267 and 7268 of 2020

A.Gajendran

... Petitioner

Vs.

1.The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Commissioner of Adi Dravidar Welfare,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 600 005.

3.The District Collector,
Madurai District,
Madurai.

4.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Campus,
Madurai.

5.The Special Tahsildar (Land Acquisition),
Adi Dravidar and Tribal Welfare Unit-I,
Madurai.

6.S.Sundara Jayanthi

7.P.S.Pandiyarajan

8.R.Sethuraman

... Respondents

(R7 and R8 impleaded vide Court order dated
29.07.2020 in W.M.P.(MD)No.7753 of 2020 in
W.P.(MD)No.7784 of 2020 by G.R.S.J.,)

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to impugned Lok Adalat Award passed in L.A.No.1398 of 2015 in L.A.O.P.No.85 of 2008 dated 12.12.2015 by the Legal Service Authority, Madurai and quash the same.



For Petitioner : Mr.S.Shanmugaraja Sethupathi
For Respondents : Mr.M.Rajarajan,
Additional Govt. Pleader for R1 to R5
Mr.M.P.Senthil for R6
Mr.R.Sethuraman for R7 & R8

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O R D E R

Heard the learned counsel on either side.

2.The land in Survey No.210/8 in Kondaiyampatti village measuring an extent 0.43.5 hectare belonged to the sixth respondent namely., S.Sundara Jayanthi. It was acquired under the provisions of Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978. The competent authority issued proceedings dated 21.10.2008 fixing the compensation payable to the land owner at Rs.1,000/- per cent along with other statutory benefits. The land owner received a sum of Rs.1,23,562/- by way of cheque without prejudice to her right to ask for enhancement of the compensation.

3.The land owner filed L.A.O.P.No.85 of 2008 before the III Additional Sub Court, Madurai. The land owner wanted the compensation to be enhanced to Rs.5,000/- per cent. The LAOP was kept pending. Whiles, the case came to be referred for amicable settlement before the Lok Aadalt on 12.12.2015. In the Lok Adalat, a compromise memo was filed and it was agreed that the land owner would be paid compensation at the rate of Rs.12,750/- per cent. Based on the said compromise memo, award was also passed. To enforce the same, the land owner also filed an execution petition.

4.In the meanwhile, charge memo dated 29.10.2018 was issued against the petitioner herein. The petitioner herein was the special Tahsildar, who represented the Government in the Lok Adalat proceedings. It was he, who signed in the compromise memo also. The disciplinary authority had charged the petitioner with having been responsible for causing a huge loss to the Government. The charges read that even though the land owner asked for enhancement only to the tune of Rs.5,000/- per cent, the petitioner had dishonestly agreed for a higher sum.

5.The petitioner had reached his superannuation. He was not allowed to retire and was placed under suspension. In this background, the petitioner had filed this writ petition questioning the Lok Adalat award passed on 12.12.2015 in L.A.No.1398 of 2015 in L.A.O.P.No.85 of 2008. The petitioner states that he was entirely new to this case and that he had acted on the instructions of the learned counsel for the claimant and the learned Government Counsel.

6.Since allegations have been made against the counsel, the said counsels were also impleaded as respondents 7 and 8.



7.Today (ie., 09.09.2020) when the matter was taken up for hearing, the learned counsels submitted that the land owner was having two documents, which indicated that the nearby lands had fetched a sum of Rs.25,000/- per cent. The land owner also proposed to file an amendment petition. It was decided in that factual background that the land owner could be paid at the rate of Rs.12,750/- per cent. The learned counsel denied the allegations made against them.

8.At this stage, the learned counsel appearing for the land owner submitted that she has no objection for quashing the impugned award and that she would rather prosecute her case on merits. She only wanted liberty to be given for filing an amendment petition seeking enhancement of the claimed amount.

9.Since LAOP was filed way back in the year 2008, she wanted the same to be disposed within a stipulated period.

10.Since the land owner herself has expressed her no objection for quashing the impugned Lok Adalat award, I am of the view that quietus can be given to the issue with the following directions:-

(1) The award impugned in this writ petition stands quashed.

(2) L.A.O.P.No.85 of 2008 on the file of III Additional Sub Court, Madurai is restored. The learned Trial Judge is directed to the dispose of the said LAOP on merits and in accordance with law within a period of six months from the date of receipt of a copy of this order. The learned Trial Judge is requested to deal with the case as if it is on a clean slate.

(3) All the contentions and rights of the land owner are left open. It is open to the land owner to establish her claims and rights in the manner known to law.

11.The learned counsel for the land owner submitted that one another writ petition in W.P.(MD)No.3589 of 2020 is pending before this Court. The learned counsel on record in the said writ petition states that the writ petition would be withdrawn.

12.The writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

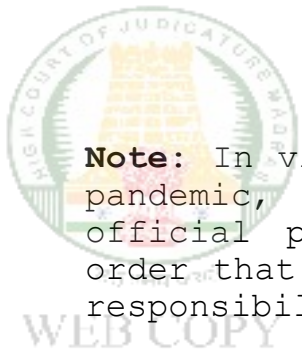
Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Secretariat,
Chennai - 600 009.
 - 2.The Commissioner of Adi Dravidar Welfare,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai - 600 005.
 - 3.The District Collector,
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 - 4.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate Campus,
Madurai.
 - 5.The Special Tahsildar (Land Acquisition),
Adi Dravidar and Tribal Welfare Unit-I,
Madurai.
- +1 CC to the Spl GP SR-16518.
+1 CC to Mr.D.SHANMUGARAJA SETHUPATHI, Advocate SR-16582.
+1 CC to Mr.M.P.SENTHIL, Advocate SR-16530.

W.P. (MD)No.7784 of 2020

09.09.2020

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