BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1344 of 2021
and
W.M.P.(MD)No.1126 of 2021

Bageerathi Ravi : Petitioner

Vs.

1.The Commissioner,
Madurai Corporation,
Anna Maligai, Madurai – 625 002.

2.The Assistant Commissioner,
Division-IV,
Madurai Corporation, Madurai. : Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in his proceedings in Ma4A11/025023/2019 dated 06.01.2021 and quash the same as illegal and consequently, to direct the respondents to accept the house tax payment of Rs.1,259/- (Half year) for the year 2009-2010 to 2020-2021 as per the Lok Adalar settlement dated 08.04.2017.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.R.Murali

ORDER

Heard the learned Counsel for the writ petitioner and the learned Standing Counsel for the respondent Corporation. With the consent of the Counsels on either side, the Writ Petition is taken up for final disposal.

2.The petitioner is the owner of the subject mentioned house property. The petitioner felt aggrieved by the enhancement of the property tax and filed a suit in O.S.No.570 of 2010 before the District Munsif Court, Madurai. The matter was referred to Lok Adalat. In the Lok Adalat, a settlement was arrived at on 08.04.2017. However, contrary to the terms of the Lok Adalat award, the respondents have now issued the demand notice calling upon the petitioner to pay a sum of Rs.2,13,915/-. Questioning the same, the present Writ Petition is filed.

3.When the matter was listed for admission this morning, I directed the learned Standing Counsel for the respondents to obtain instructions from the respondents as to whether the settlement was arrived at between the assessee and the Corporation in the Lok Adalat. Again the matter is taken up in the afternoon and the learned Standing Counsel for the respondents, on instructions from the respondents, would submit that no doubt, the Lok Adalat award was actually passed in respect of the subject matter. He would add that the Corporation official, who was present before the Lok Adalat proceedings, was not competent to gave consent or affix his signature in the settlement.

4.I do not want to go into the validity of the Lok Adalat Award as of now. As per Section 21(2) of the the Legal Services Authorities Act, 1987, a Lok Adalat award entered into between the parties is final and binding on the parties. Of-course, a Lok Adalat award is amenable to challenge in writ jurisdiction either under Article 226 or 227 of Constitution of India. The fact remains that as on date, the Lok Adalat award has not been set aside. Therefore, it is very much binding on the respondents. Since the impugned proceedings clearly is not in consonance with the Lok Adalat Award, it is liable to be quashed and set aside and accordingly, the Writ Petition is allowed.

5.The respondents are directed to accept the payment of property tax that may be made by the petitioner in terms of the Lok Adalat award. Of-course, it is open to the respondents herein to question the award in the manner known to law. So long as the Lok Adalat award is holding the field, the respondents are bound to act according to the Lok Adalat award. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar

+1 CC to MR.R.MURALI, Advocate (SR-2638[F] dated 01/02/2021)

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29.01.2021

CMR

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