



W.P.(MD)No.3386 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3386 of 2021

and

W.M.P(MD)No.2748 of 2021

C.V.K.M.Gokulnath

... Petitioner

Vs

1.The Block Development Officer,
(Commissioner) Panchayat Union,
Nilakottai, Dindigul District.

2.The Chairman,
Nilakottai Panchayat Union,
Nilakottai, Dindigul District.

3.The District Collector,
Office of the District Collector,
Dindigul District.

4.The Executive Officer,
Nilakottai Town Panchayat,
Nilakottai, Dindigul District.

(R.3 & R.4 are impleaded vide
Court order dated 22.03.2021 in
W.M.P(MD)No.5080 of 2021 in
W.P(MD)No.3386 of 2021)

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 2 herein to forthwith allot a portion of the newly constructed building in Market Building, Madurai Main Road, Nilakottai Town, Nilakottai Taluk, Dindigul District to the petitioner herein on priority basis at the first instance as per the terms and conditions of Compromise Award dated 11.07.2015 passed in the Lok Adalat Case No. 975/2014 on the file of the Chairman Taluk Legal Service Committee (District Munsiff) Nilakottai, Dindigul District within a reasonable time as may be fixed by this Court.

For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.A.Muthukkaruppan
Standing Counsel for R1 & R.4

Mr.K.Balasubramani
Special Government Pleader for R3

No Appearance for R2

ORDER

Heard the learned counsel on either side.

2.The writ petitioner was a tenant under the second respondent. He was occupying a room in the Market Building, Main Road, Nilakottai. The local body proposed to demolish the said building. That led to the filing of O.S.No.1 of 2014 on the file of District Munsif Court, Nilakottai. The matter was



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referred to Lok Adalat. Before the Lok Adalat, understanding was arrived at and an award was also passed on 11.07.2015. As per the terms of the award, the petitioner was to be given a room in the complex that was proposed to be constructed. This writ petition has been filed for enforcing the said Lok Adalat award.

3. When the matter was taken up for hearing, the learned Special Government Pleader appearing for the third respondent submitted that even though there was a proposal to construct a commercial complex due to certain reasons the local body had to drop the proposal. At present, only a cycle stand has been constructed, of course, a room has also been constructed adjacent to the cycle stand. The petitioner states that he could be allotted in the said room. The learned standing counsel clarifies that the said room is meant for official purposes of the local body and that it will not be let out on rent to any private person. It is true that the petitioner was induced to dispose of the suit in certain terms and that the same could not be complied with.

4. The petitioner may justifiably feel cheated. But then, the question that arises for my consideration is whether the impugned Lok Adalat award can be enforced in writ proceedings. It is well settled that a Lok Adalat award is enforceable like a decree. In writ proceedings, I could have granted relief if the



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respondents have put up a building and then gone back on the assurance given to the writ petitioner. But that is not the case here. The original proposal was never put into effect. Therefore, it is not possible to grant any relief to the writ petitioner herein. This writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

03.08.2022

Index : Yes / No

Internet : Yes/ No

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To

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G.R.SWAMINATHAN, J.

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