



W.P.(MD)No.12924 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12924 of 2020

and

W.M.P.(MD)No.10915 of 2020

Sampath

... Petitioner

Vs.

**1.The Taluk Legal Services Committee,
Vadipatti,
Madurai District.**

2.Padmavathy

3.Vasanthakumar

4.Vigneshwaran

5.Alagurani

6.Maruthupandi

7.Vasanthi

8.Sudharsana Pandian

9.Laxmi

10.Kodimalar



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11.Santhi

12.P.Babu

13.P.Tirupathy

... Respondents

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 the impugned award passed by the first respondent in L.A.No.11 of 2017, dated 09.09.2017 and quash the same as illegal.

For Petitioner : Mr.M.Jerin Mathew
For R1 : No appearance
For R2 to R11 : Mr.V.Meenakshi Sundaram
For R12 & R13 : Mr.S.Amali

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the lok adalat award passed by the first respondent.

3. The petitioner was born to one Karuthapandian @ Selvan. The petitioner had born with two brothers and three sisters. Both the brothers had pre-deceased him. Even during the life time of his father, the petitioner filed O.S.No.67 of 2017 on the file of the District Munsif Court, Vadipatti seeking the relief of partition. The matter was referred



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with the present writ petition.

5. The learned counsel appearing for the private respondents strongly opposed the writ prayer. The private respondents had filed a detailed counter affidavit. The learned counsel submitted that there is no scope for interference in the matter. He specifically denied the allegation of fraud.

6. I carefully considered the rival contentions and went through the materials on record. Section 21 of the Act is as follows:-

“(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other Court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred to it under Sub-Section (1) of Section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fees Act, 1870.

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute and no appeal shall lie to any Court against the award.”

7. The statute attaches finality to a lok adalat award. However, if fraud has vitiated the award, then, it can be set aside by invoking the jurisdiction of the High Court under Article 226 / Article 227 of the Constitution of India. The Hon'ble Supreme Court in the decision



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reported in ***(2008) 2 SCC 660 (State of Punjab Vs. Jalour Singh)*** has held as follows:-

“12. It is true that where an award is made by Lok Adalat in terms of a settlement arrived at between the parties (which is duly signed by parties and annexed to the award of the Lok Adalat), it becomes final and binding on the parties to the settlement and becomes executable as if it is a decree of a civil court, and no appeal lies against it to any court. If any party wants to challenge such an award based on settlement, it can be done only by filing a petition under Article 226 or Article 227 of the Constitution, that too on very limited grounds.

8. Now the only question that calls for consideration is whether the petitioner had made out a case for interference. As already noted, the award was passed as early as on 09.09.2017. The Writ Petition was filed only on 15.09.2020. Thus, more than three full years had elapsed by the time he challenged the award. In the mean while, the petitioner's father had passed away. The petitioner does not deny that he was present before the lok adalat. He also does not deny the signature put by him in the settlement memo. It is seen that the lok adalat was presided over by the trial munsif. There were two other members. I take judicial notice of the fact that before a matter is finalized, the lok adalat members enquire each and every person as to whether they had voluntarily put his



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or her signature in the settlement memo. Even in Paragraph Nos.6 & 7 of the affidavit filed in support of the writ petition, the petitioner had only stated that he was not explained about the terms of the settlement. There are no allegations against the lok adalat panel. The petitioner in fact concedes that he was given 1/7th share in the suit properties. The total extent of the suit schedule properties was 6 acres and 18 cents. There were totally 7 claimants. The petitioner was entitled to 1/7th share. A simple arithmetic calculation would show that the petitioner deserved to be given 88 cents. But he was actually given 92 cents. Having signed the settlement memo, the petitioner cannot be permitted to challenge the same after the expiry of more than three years. That apart, the petitioner wants to put the entire blame on his counsel. He wants to make it appear as if the counsel had made him believe that the case was still pending. If that be so, the petitioner should have given the every hearing date from the date of settlement date till the date of filing of the writ petition. No such dates have been given. This would show that the petitioner was upset by some subsequent development. That led to filing of the present writ petition.



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9. The learned counsel appearing for the private respondents would suggest that the petitioner kept quiet so long as his father was alive. Only after his father's demise, some issues cropped up. He also would state that one of the items allotted to the petitioner came to be acquired by the Highways Department and that also caused some heartburn. The petitioner wanted some compensation from the other sharers. Since that was refused, the relationship once again came under strain. The version projected by the learned counsel for the private respondents cannot be rejected as improbable. In any event, since the writ petitioner was aware that he was before the lok adalat and since he has put his signature and since he had come to the Court after the expiry of the three years, I do not find it a fit case for interference.

10. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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