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W.P.No.17093 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.17093 of 2022

Manoj Kumar

...Petitioner

Vs

1. The District Registrar,
Cuddalore District,
Vridhachalam Taluka
Cuddalore District
PIN-606001.

2. The Sub Registrar,
Sirupakkam,
Sirupakkam Village,
Veppur Taluka,
Cuddalore District
PIN-606109.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records from the 1st respondent's order in Na.Ka.No.2368/A2/2022, dated 1606.2022 and quash the same and consequently direct the 2nd respondent to register the document namely the Lok Adalat Order dated 11.08.2021 in Lok Adalat Case No.65/2021 at the District/Taluk Legal Services Authority/Committee, Tittagudi.



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For Petitioner : Mr.C.Prabhu
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

When the petitioner herein had presented a Lok Adalat Award dated 11.08.2021 passed in Lok Adalat Case No.65 of 2021 before the District Legal Services Authority, Tittakudi, which award emanated from a suit in O.S.No.42 of 2018 on the file of Additional District Munsif, Tittakudi, the same was refused by the second respondent herein by quoting that there were earlier encumbrances over the subject property and that the petitioner's father had already sold the property to third parties. Challenging this refusal, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that in the suit, he had impleaded one Mallika, who was the then owner of the subject property in Re-Survey No.206/1, Rettakurichy Village, measuring 2 acres 72 cents and since the defendants 4 and 5 were set ex-parte in the suit, he entered into compromise with the defendants 1 to 3 and therefore, there was no infirmity in the award passed by the Legal Service Authorities.



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3. Per contra, learned Additional Government Pleader placed reliance on the counter affidavit and submits that even prior to the suit, the petitioner's father viz., Muthusamy Udaiyar had sold the entire extent of 2 acres 72 cents of the subject lands to one Veeramuthu through sale deed document No.535/1996 and thereafter, the said Veeramuthu had sold the property to Mallika through document No.294/2001, who, in turn, had sold the property in favour of her son Arun Kumar through settlement deed No.1095/2018. In view of all the three encumbrances, the present Lok Adalat Award was refused to be registered.

4. I do not find any infirmity in the action taken by the second respondent herein for refusal of the Lok Adalat Award. On the face of it, the compromise award itself between the petitioner and his siblings will not be binding on the owner of the property viz., Mallika, who had purchased the subject property through a valid sale deed from the erstwhile vendor Veeramthi, who, in turn, had purchased the property from the petitioner's father.



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5. Effectively, the petitioner had filed a partition suit over a property, which was already sold by his father to another third party and who, in turn, had sold the property to Mallika, who was arrayed as defendant in the partition suit. The cancellation of the sale deed, which stood in the name of Mallika, was not the subject matter of the suit. Merely because Mallika was set ex-parte in the partition suit filed by the petitioner and his siblings, will not render the purchase made by Mallika in her favour through document No.294/2001 on the file of SRO, Sirupakkam, invalid. Thus, the Lok Adalat Award itself which was entered into between the petitioner and his siblings, who had no right over the subject property at all, will neither grant any legal right in their favour, nor will affect the sale deed standing in the name of Mallika.

6. As such, the second respondent herein, had rightly refused to register the Lok Adalat Award, which was non-est in the eye of law, insofar as it relates to the transfer of title over the subject property.



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7. In the result, I do not find any merit in the grounds raised by the writ petitioner. Accordingly, the writ petition stands dismissed. No costs.

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Index:Yes/No

Speaking order/Non-speaking order
sr

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M.S.RAMESH, J.

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