



W.P. No.33262 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.33262 of 2023 and
W.M.P. Nos.32696 to 32698 of 2022

M/s.Niasrga Property Developers
A Partnership firm rep. by its Partner
R.Arun Kumar
A-18, Perur Main Road
Kovai Pudur
Coimbatore - 641 042

... Petitioner

Vs.

- 1.The Sub Registrar
Madukkarai Sub Registrar Office
Madukkarai Taluk
Coimbatore District
- 2.The District Legal Services Authority
Rep. by its Secretary
Combined Court Complex
Coimbatore - 641 018
- 3.Geetha Rani
- 4.B.S.Sneka
- 5.Swetha Harshini

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus calling for the records relating to the impugned award made in the Lok Adalat Case No.760/2022 (O.S. No.563 of 2021 - First Additional Sub Court, Coimbatore) dated 13.08.2022 passed by the 2nd respondent, quash the same and consequently direct the 1st respondent to remove the entry relating to the registration of the said award as Doc. No.7513/2022 dated 13.09.2022.

For Petitioner	:	Mr.N.Manokaran
For Respondents	:	Mr.A.Anandan Govt. Advocate for R1 Mr.E.V.Chandru for R2 No Appearance for R3 to R5

ORDER

A certain Subbanna Gounder possessed a block of immovable property and he is stated to have executed a registered will dated 26.09.1991, bequeathing the suit properties to his son, daughter and grandchildren. Subbanna Gounder passed away on 01.01.1996. However, prior to his death, the testator himself had dealt with the property, as he has sold the same to five different individuals between 22.04.1994 and 27.04.1994 under five different sale deeds. All the five purchasers joined together and sold the property that they had purchased, to the



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present petitioner under five different sale deeds, all dated between 19.11.2018 and 09.10.2019.

2.In view of the fact that the testator himself had sold the property during his lifetime, the property in question did not pass on to his legatees. A certain Geetha Rani, 3rd respondent herein in this petition is the granddaughter of the testator and also one of the beneficiaries under the will referred to above. Under the said will the property in question, namely the 'C' shedule was allotted to the 3rd respondent. Now, ignoring the sales which the testator had made, the 5th respondent had instituted O.S. No.563/2021 before the I Additional Sub Court, Coimbatore for partition against his mother, third respondent and sister, the 4th respondent. This matter was referred to the Lok Adalat and an award came to be passed on 13.08.2022. This award is now under challenge, as it has been collusively obtained.

3.Mr.A.Anandan, learned Government Advocate, takes notice for the first respondent and notices have gone to others.



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4.The award passed by the Lok Adalat in Lok Adalat Case No.760/2022, binds only the parties to it, and it cannot affect the third party's right. Whether it is collusive or not, at the end of the day, on the strength of the award, the parties to the same cannot dislodge title of any one who has a better title, or a superior title. This being the position of law, this court does not consider it necessary to interfere with the award. If at all, the petitioner is aggrieved, they are at liberty to work out their remedy, if it becomes necessary.

5.The writ petition is accordingly disposed of. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

15.09.2023

Asr
Index : Yes/No
Speaking/Non-speaking Order

To

- 1.The Sub Registrar
Madukkarai Sub Registrar Office
Madukkarai Taluk, Coimbatore District
- 2.The District Legal Services Authority
Rep. by its Secretary, Combined Court Complex
Coimbatore - 641 018
- 3.The Government Pleader,
High Court, Madras



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N.SESHASAYEE, J.,

Asr

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