



W.P. No.9083/2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Pronounced on
06.06.2023	13.06.2023

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**W.P. NO.9083 OF 2023
W.P. SR NOS. 14015 TO 145031 OF 2022
AND
W.M.P. NO. 9220 & 9221 OF 2023**

Dr. K.Rayar
(Party-in-Person)

.. Petitioner

- Vs -

1. B.Mageshwari
2. K.Suganthi
3. R.Sumithra
4. D.Bhuvaneshwari
5. G.Tamilarasi
6. S.Rosi Little Flower
7. E.Bhavani
8. D.Sarala
9. N.Dhanalakshmi
10. K.Vijayalakshmi
11. K.Nirmala
12. A.Ramaraj
13. V.Sathish Kumar
14. D.Ranjith Kumar



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15. M.Monisha

16. C.Jerald Mery

17. A.Revathy

18. Dr.K.Ponmudi

Hon'ble Minister of Higher Education

Government of Tamil Nadu

Secretariat, Chennai 600 009.

19. K.Dhanraj

20. M.Dhanarajan

21. R.S.Sampath Kumar

22. M.Pandurangan

23. M.S.Natarajan

24. V.Karunamoorthy

25. M.R.Sheriff

26. S.Kanthavel

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorarified mandamus order or other order Nil dated, National Mega Lok Adalath Award, CJM, VPM, C.C. No.34/2013 to 52/2013 and 1/2014 in Nil date NMLA, LAC No.1466/2014 to 1485/2014 in E.P. No.137 of 2022 on the file of Principal Subordinate Judge at Villupuram and quash the same award related to respondents and further direct the respondents herein to repay each Rs.5,000/- and totally Rs.1,15,000/- for these cases with interest till the date of realization with cost of this petition.



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For Petitioner : Dr. K.Rayar, Party-in-Person

For Respondents : Mr. N.Suresh for RR-1 to 17 & 20 to 26
RR-18 & 19 - Unclaimed

COMMON ORDER

Challenging the award passed in the Lok Adalat, on the basis of the compromise entered into between the parties, the present writ petition has been filed by the petitioner. Addition to the above writ petition, other petitions have been filed by the petitioner for similar relief, which have been returned by the Registry raising queries, which has not been complied with by the party-in-person and, accordingly, all the petitions have been tagged together and listed before this Court.

2. It is the case of the petitioner that very many cases pertaining to cheque bounce u/s 138 of the Negotiable Instruments Act were pending, which were referred for conciliation before the Mega Lok Adalat. However, without the consent of the petitioner, the said cases were compromised



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resulting in the passing of the Awards and aggrieved by the same the present petitions have been filed.

3. Petitioner, appearing as party-in-person, submits that the compromise had been entered into on coercion and fraud played by the respondents and the petitioner was not at all inclined to sail with the respondents in the Lok Adalat proceedings. It is his further submission that when the order passed is on account of coercion and fraud, the same cannot be sustained and it is liable to be set aside. Further, it is his submission that insofar as the petitions, which are pending numbering, similar grounds are raised therein and on mere technicalities, this Court may not reject the said petitions, as the livelihood of the petitioner would be in peril if the Lok Adalat orders are not set aside.

4. Per contra, learned counsel appearing for respondents 1 to 17 and 20 to 26 submitted that the petitioner, having subjected himself to the award before the Lok Adalat, cannot now turn back and claim that the award cannot be executed. It is the further submission of the learned counsel that the



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petitioner has already challenged the award by filing O.S. No.71/2016, on the very same ground, which has since been dismissed by the learned Principal Sub Judge, after full trial and the suit dismissed with compensatory costs vide decree and judgment dated 28.7.2017. It is the further submission of the learned counsel that the appeal in A.S. No.62/2019 filed against the said decree and judgment has also been dismissed, thereby, the order has attained finality and, therefore, the petitioner has no locus to file the present petitions.

5. In this regard, learned counsel appearing for the respondents placed reliance on the decision of the Apex Court in ***K.N.Govindan Kutti Menon – Vs – C.D.Shaji (2012 (1) CTC 96)***, wherein the Apex Court has It is the further submission of the learned counsel that reference of a dispute to a Lok Adalat by the criminal court with regard to a matter u/s 138 of the Negotiable Instruments Act and the executability of the said decree has been upheld by the Apex Court. The order impugned herein, being a decree passed by the Lok Adalat, the same is executable by a civil court.



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6. It is the further submission of the learned counsel that the contention of fraud and coercion put forth by the petitioner, is wholly a fiction and imagination of the petitioner so as to frustrate the order passed by the Lok Adalat. It is the submission of the learned counsel that even the affidavit of the petitioner reveals the position occupied by the petitioner in various forums and such being the case, the contention of fraud and coercion put forth by the petitioner cannot be sustained. Further, it is submitted that when the proceedings before the civil court has attained finality, the petitioner cannot reagitate the same issue before this Court under Article 226. Accordingly, learned counsel for the respondents prays for dismissal of the petitions.

7. This Court gave its anxious consideration to the submissions advanced by the party-in-person and also the learned counsel appearing for the respondents and perused the materials available on record.

8. The whole genesis of the case is the award passed by the Lok Adalat on the basis of the compromise entered into between the petitioner and the



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respondents. However, the award of the Lok Adalat is put to test on the premise that it was obtained by coercion and fraud and, therefore, it cannot be acted upon.

9. Though the petitioner has taken up coercion and fraud as the basis to set aside the award, however, the fact remains that the petitioner is not a novice, but is a very influential and knowledgeable person and is even in the thick of things when it comes to legal issues. The above fact transpires even from the affidavit filed by the petitioner in support of these petitions. Therefore, the contention that the compromise was on the basis of coercion and fraud is wholly unsustainable and is nothing but an attempt by the petitioner to frustrate the efforts of the respondents in obtaining the award in the Lok Adalat.

10. Be that as it may. The challenge in the writ petition is to the award passed in the Lok Adalat. However, the very same award passed by the Lok Adalat was put in issue in O.S. No.71/2016, which was dismissed along with compensatory cost and the appeal in A.S. No.62/2019 has also received similar



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fate. From the above it is manifestly clear that as against the very same award, the petitioner had unsuccessfully filed suit and, thereafter, appeal. Such being the case, it is not open to the petitioner to once again reagitate the same on the writ side of this Court as the petitioner is barred from agitating the same issue once over.

11. Further, the assailability of an award passed in the Lok Adalat has already been dealt with by the Apex Court in *Govindan Kutti's case (supra)*, wherein, considering all the issues, as have been raised herein, the Supreme Court has held as under :-

"26. From the above discussion, the following propositions emerge:

1) In view of the unambiguous language of Section 21 of the Act, every award of the Lok Adalat shall be deemed to be a decree of a civil court and as such it is executable by that Court.

2) The Act does not make out any such distinction between the reference made by a civil court and criminal court.

3) There is no restriction on the power of the Lok Adalat to pass an award based on the compromise arrived at between the parties in respect of cases referred to by various Courts (both civil and criminal), Tribunals, Family court, Rent Control



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Court, Consumer Redressal Forum, Motor Accidents Claims Tribunal and other Forums of similar nature.

4) Even if a matter is referred by a criminal court under Section 138 of the Negotiable Instruments Act, 1881 and by virtue of the deeming provisions, the award passed by the Lok Adalat based on a compromise has to be treated as a decree capable of execution by a civil court.”

12. Even a bare perusal of the ratio laid down above reveals that any award passed by the Lok Adalat based on a compromise has to be treated as a decree capable of execution by a civil court.

13. In the case on hand, the award has been passed on the basis of a compromise arrived at between the parties, which has reached finality by the dismissal of the suit and the appeal filed by the petitioner. Such being the case, the execution petitions filed for enforcing the award, by the respondents is legally sustainable. The mere fact that the petitioner alleges that the compromise has been entered into based on coercion and fraud is only an attempt of the petitioner to wriggle out of the award to frustrate the respondents and the said attempt has already been negated by the dismissal



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of the suit. That being the case, the present stand of the petitioner is wholly unsustainable and cannot be allowed to stand.

14. For the reasons aforesaid the writ petition fails and the same is dismissed. Consequent upon the dismissal of the writ petition, the other petitions in the SR stage, for the very same relief are liable to be rejected. Consequently, connected miscellaneous petitions are also dismissed. There shall be no order as to costs.

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Index : Yes / No

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M.DHANDAPANI, J.

GLN

**PRE-DELIVERY ORDER IN
W.P. NO.9083 OF 2023, etc.**

**Pronounced on
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