



W.P.(MD)No.388 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.10.2023

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD)No.388 of 2020
and
W.M.P.(MD)No.301 of 2020

K.Vijayapandian

.. Petitioner

Versus

- 1.The President,
The District Legal Services Authority,
Virudhunagar at Srivilliputhur,
Virudhunagar District.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Srivilliputhur,
Virudhunagar District.
- 4.Vellaiyammal, W/o.Seetharama Chettiar
- 5.Jeyakumar, S/o.Seetharama Chettiar
- 6.Perumalraj, S/o.Seetharama Chettiar

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned Lok Adalat Award, dated 14.07.2018, Lok Adalat No.102/2018, passed by the first respondent, pertaining to the proceedings in O.S.No.22 of



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2018, on the file of the Principal District Munsif Court, Srivilliputhur, quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently, directing the first respondent to return the records in O.S.No.22 of 2018, on the file of the Principal District Munsif Court, Srivilliputhur, to the Court concern to try the matter afresh.

For Petitioner : Mr.R.Shankar Ganesh

For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the Lok Adalat Award, dated 14.07.2018, in O.S.No.22 of 2018 and for a direction to the learned Principal District Munsif, Srivilliputhur, to try the matter afresh.

2. Heard Mr.R.Shankar Ganesh, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader for the respondents 1 to 3.

3. Though the fourth respondent was served with notice and her name was also printed in the cause list, there is no appearance either in person or through counsel.



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WEB COPY 4. The case of the petitioner is that the subject property in Survey No.

2301/2 originally belonged to one Natarajan and the said Natarajan had transferred the property in favour of the petitioner during his lifetime. The further case of the petitioner is that the said Natarajan died issueless. While so, the fourth respondent filed a suit in O.S.No.22 of 2018 before the Principal District Munsif Court, Srivilliputhur, for a declaration that she is the legal heir of the deceased Natarajan and for other consequential reliefs. The said suit was filed against the Tahsildar, Srivilliputhur and the District Collector, Virudhunagar District. During the pendency of the suit, the matter was referred to the Lok Adalat and before the District Legal Services Authority, an Award came to be passed. In this Award, the Tahsildar had agreed to issue Legal Heirship Certificate, by showing the fourth respondent and the respondents 5 and 6 as legal heirs of the deceased Natarajan. Based on the same, the Award came to be passed on 14.07.2018.

5. The grievance of the petitioner is that the respondents 4 to 6 based on this Award, started causing hindrance to the petitioner and were attempting to grab the property. The petitioner filed a suit in O.S.No.69 of 2019 before the District Munsif Court, Kodaikanal, seeking to declare the settlement deed and the sale deed executed by the respondents 4 to 6 as null and void and for a



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permanent injunction restraining them from interfering with the peaceful possession and enjoyment of the said property. The petitioner has filed the present Writ Petition challenging the impugned Lok Adalat Award.

6. The fourth respondent has claimed to be the legal heir of the deceased Natarajan. This status cannot be conferred on the fourth respondent by the Tahsildar. It is a matter to be proved before the competent Court. The fourth respondent has conveniently compromised the dispute with the Tahsildar and thereby, the Tahsildar has issued a Legal Heirship Certificate, showing the respondents 4 to 6 as the legal heirs of the deceased Natarajan. Using the same, the respondents 4 to 6 have proceeded to deal with the property and were interfering with the peaceful possession and enjoyment of the property.

7. The Award that was passed by the District Legal Services Authority is illegal on the face of it. The concerned authority did not take into account the fact that there can never be a compromise in a case dealing with declaring the status of a person, which has to be established only by adducing evidence and in the instant case, this status has been conferred by recording the stand taken by the Tahsildar as if the respondents 4 to 6 are the legal heirs of the deceased Natarajan. The Lok Adalat Award that has been passed is liable to be interfered with by this Court and accordingly, the same is hereby set aside.



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The matter is remanded back to the file of the learned Principal District Munsif, Srivilliputhur. The learned Principal District Munsif, Srivilliputhur, is directed to restore the suit in O.S.No.22 of 2018 on file and decide the same on its own merits and in accordance with law. It is left open to the petitioner to implead himself as one of the defendants in the suit and put forth his case.

8. The Writ Petition is allowed in the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
Internet : Yes

03.10.2023

To

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N.ANAND VENKATESH, J.

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