

Item No.8
01.08.2024
Court. No. 9
GB

W.P.A. 16937 of 2024

Nanigopal Das
Vs.
Sri A.N. Bhattacharya & Ors.

Ms. Anju Manot

...for the Petitioner.

*Mr. Dipanjan Datta,
Mr. Sayan Datta*

...for the State.

*Mr. Sounak Bhattacharyya,
Mr. Manish Kumar Das*

...for the Respondent Nos.4 to 9.

1. Affidavit-of-service filed in Court today, is taken on record.
2. The petitioner is aggrieved by an award of the National Lok Adalat dated March 9, 2024, by which Title Suit No.01 of 2024 between the respondent nos.4 to 7 had been decreed on compromise.
3. The petitioner contends that the compromise decree was collusive and between husbands and wives, only to frustrate two preemption cases filed by the petitioner. It is alleged that the respondent nos.8 and 9 had transferred an undivided property to the respondent nos.4 and 5. The petitioner, as co-sharer, filed two preemption cases. During the pendency of the preemption cases, the respondent nos.8 and 9 executed deeds of gift in respect of the self-same property in favour of the respondent nos.6 and 7 who are the wives of the respondent nos.4 and 5 respectively. The respondent nos.6 and 7 filed a title

suit against the respondent nos.4 and 5 for a declaration that the alleged deeds of sale executed by the respondent nos.8 and 9 in favour of the respondent nos.4 and 5 were null and void. The suit was compromised before the National Lok Adalat and the learned civil court passed a decree on compromise by making the compromise petition filed before the National Lok Adalat a part of the decree.

4. The petitioner, who is neither a party to the suit nor a party to the proceeding under the National Lok Adalat, has approached this Court for setting aside of the award of the National Lok Adalat. Although, award of the National Lok Adalat is amenable to the writ jurisdiction, the scope of interference of the writ court is microscopic. Moreover, the National Lok Adalat can only pass awards upon settlement or a compromise arrived at between the parties. The parties to the suit came to a compromise and the National Lok Adalat recorded such compromise by reverting the suit to the learned Civil Judge and the Civil Judge accordingly decreed the suit by making the compromise petition which was filed before the National Lok Adalat between the plaintiffs and defendants in the suit, as a part of the decree.
5. Under such circumstances, as the petitioner was neither a party to the proceeding before the National Lok Adalat nor a party to the compromise petition, cannot challenge the award under Article 226 of the

Constitution of India being a third party. A third party cannot challenge the compromise arrived at before the National Lok Adalat, by a writ petition. Moreover a decree was passed by the learned civil court.

6. Under such circumstances, the writ petition is disposed of without entertaining the prayers. The petitioner may avail of any other remedy in accordance with law, and in an appropriate proceeding.
7. Accordingly, writ petition is disposed of.
8. However, there will be no order as to costs.
9. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)