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W.P.No.2848 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.2848 of 2020

and

W.M.P.No.3292 of 2020

K.G.Chandran

... Petitioner

Vs.

1. The Chairman,
Taluk Legal Services Committee,
Principal District Munsif Court Buildings,
Alandur, Chennai-16.

2. Vijay Luxmi

3. S.Sorna Senthil

4. RPG Contractors and Builders Pvt. Ltd.,
By its Managing Director M. Radhakrishnan,
Plot No.372, 10th Cross Street,
Viduthalai Nagar, Kovilambakkam,
Chennai-129.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, to call for the records relating to the Lok Adalat ' award dated 13.7.2019 passed by the 1st Respondent in O.S.No. 255/2019 on the file of the Principal District Munsif, Alandur and quash the same.



W.P.No.2848 of 2020

For Petitioner : Mr.A.Swaminathan

For Respondents : R1 – Court;

No Appearance (for R2);

Mr.V.Karanan (for R3);

Mr.V.Raghavachari, Senior Counsel for
Mr.V.Arul (for R4).

ORDER

The Lok Adalat award dated 13.07.2019, passed by the Taluk Legal Services Committee Alandur, Chennai, is under challenge in the present writ petition.

2. Admittedly, the writ petitioner Mr.K.G.Chandran is not a party to the impugned Lok Adalat award. A suit came to be instituted in O.S.No.255 of 2019 by the second respondent before the Additional District Munsif Court at Alandur for the relief of bare injunction. During the pendency of the suit, the plaintiff / second respondent in the present writ petition and respondents 3 and 4 in the present writ petition entered into a joint compromise memo and filed the same in I.A. no.494 of 2019. Based on the said joint compromise memo, the suit was referred to the Lok Adalat for recording the same. The Lok Adalat recorded the joint



W.P.No.2848 of 2020

compromise memo and the “Terms of Settlement” are as under:

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- “(i)Both side present,*
- (ii)Both entered in to compromise and filed joint compromise memo and recorded,*
- (iii)Joint compromise memo will form part of the award,*
- (iv)Suit disposed as settled,*
- (v)Refund of Court fee permitted.”*

3. The learned counsel for the petitioner would submit that based on the fraudulent document, the suit came to be instituted by the second respondent herein and the property original belonged to the father of the writ petitioner, from whom the purchase was made by the second respondent. The learned counsel for the petitioner would rely on the order passed by the District Registrar of Registration Department under the Registration Act.

4. The learned Senior Counsel, appearing on behalf of the 4th respondent would oppose by stating that the Lok Adalat award is between the plaintiff and the defendant in the suit and petitioner, not being a party to the Lok Adalat award, the said award would not be binding on him. More so, the 4th respondent is the bona fide purchaser of the subject property and therefore, the present writ petition is to be rejected.



W.P.No.2848 of 2020

5. High Court cannot decide the disputed facts relating to the civil rights in a writ petition under Article 226 of the Constitution of India. Such disputes have to be resolved by approaching the competent Civil Court of law. The findings of the District Registrar of the Registration Department also cannot be construed as conclusive evidence for the purpose of establishing title. Title is to be established independently based on the documents and evidence produced before the competent Civil Court in a trial nature proceeding.

6. In the present case, the Lok Adalat award was made between the respondents 2, 3 and 4. Since the writ petitioner is not a party to the Lok Adalat award, the said award is not binding on the writ petitioner. However, the learned counsel for the petitioner raised an apprehension that the said award will stand in the way of the petitioner to deal with the property and certain documents are created fraudulently. However, the learned Senior Counsel for the 4th respondent denied the same and contended the 4th respondent, verifying the documents, purchased the property, and thus, the claim of the petitioner is untenable.

7. May that as it be. Striking balance in such circumstances have to



W.P.No.2848 of 2020

be adopted by the High Court in a writ proceedings. Title is to be declared by the Civil Court. In the present case, no such comprehensive suit has been instituted by either of the parties. Lok Adalat award cannot be construed as conclusive one in the present case as against the writ petitioner, since he was not a party to the award.

8. Therefore, the writ petitioner or the respondents 2, 3 and 4 are at liberty to approach the Civil Court for the purpose of establishing their respective title over the subject property. Till such time the parties establish their title through Civil Court of law, the impugned Lok Adalat Award dated 13.07.2019, passed in O.S.No.255 of 2019, by the Taluk Legal Services Committee, Principal District Munsif Court Buildings, Alandur, Chennai, is kept in abeyance. None of the party can take any advantage of the Lok adalat award, till such time they establish their civil rights in the manner contemplated. It is needles to state that the observations of the District Registrar in his order is also not a conclusive evidence for establishing title.

9. Accordingly the writ petition disposed of. No costs.



W.P.No.2848 of 2020

Consequently, connected miscellaneous petition is closed.

WEB COPY

24.01.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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WEB COPY



W.P.No.2848 of 2020

S.M.SUBRAMANIAM. J.,

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W.P.No.2848 of 2020

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