



WEB COPY



W.P.No.26660 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.26660 of 2024

and

W.M.P.Nos.29182 & 29183 of 2024

1.N.Anusuya
2.N.Baskaran

... Petitioners

Vs.

- 1.The Taluk Legal Services Committee,
Arakkonam.
- 2.The Collector of vellore district
Collector office,
Ranipet.
- 3.The Revenue Divisional Officer,
RDO Office,
Ranipet.
- 4.The Tahsildar,
Arakkonam Taluk Office,
Arakkonam.

- 5.M.Subramaniya Reddy
- 6.Raman
- 7.Narasimman
- 8.M.Natarajan
- 9.K.Sumathi
- 10.S.P.Sampath Kumar
- 11.S.Prabhakaran



W.P.No.26660 of 2024

12. The Sub-Registrar,
Arakkonam

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the 1st respondent in the award dated 11.07.2022 in LAC No.34/2022 and to quash the same.

For Petitioner : Mr.J.Srinivasa Mohan
for M/s.TVJ Associates

For Respondents : Mr.U.Baranidharan
AGP [R2 to R4]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Certiorari, to call for the records of the 1st respondent in the award dated 11.07.2022 in LAC No.34 of 2022 and to quash the same.

2. The case of the petitioners is that, the 5th respondent filed a suit in O.S.No.269 of 2012, later renumbered as O.S.No.361 of 2014, against the revenue alone, seeking bare injunction restraining the respondents 2 to 4 from changing the revenue records in respect of suit properties. The said respondent claims to have settled the entire property in favour of his sons, respondents 6 and 7 herein as early as 2009, without any right whatsoever.



W.P.No.26660 of 2024

The 5th respondent claimed a rival interest in the property on the strength of certain documents alleged to have been executed by the husband of the 1st petitioner. The 5th respondents claims the 1st petitioner's husband to be his adopted father but it is countered by the petitioners that the 5th respondent is the son of some other person and not born to the husband of the 1st petitioner. The 5th respondent claimed that revenue department was trying to interfere and hence, he filed suit for bare injunction against revenue department alone. Subsequently, the 5th respondent impleaded the petitioners as defendants and filed declaration suit, which ended in compromise vide Lok Adalat award dated 11.07.2022, which was passed in favour of the 5th respondent. Aggrieved by the same, the petitioners have filed the present writ petition.

3. Learned counsel for the petitioners submitted that though initially the revenue department alone was added as a party in the suit filed by the 5th respondent that too only bare injunction was sought for, subsequently, amendment petition and two implead petitions seeking to implead the petitioners as defendants in the suit filed by the 5th respondent and by way of misrepresentation, they obtained signature from the petitioners, by which, they obtained Lok Adalat award, which is not sustainable. In respect



W.P.No.26660 of 2024

of the maintainability of this writ petition, there is no bar in view of the decision rendered by the Apex Court in the case of ***Bhargavi Constructions & Anr. Vs. Kothakapu Muthyam Reddy & Ors.*** reported in ***2008 (2) SCC 660*** and subsequent decision of the Apex Court, wherein the Apex Court had held that as against the Lok Adalat Award the only remedy available to the petitioners is to file a writ petition before this court either under Article 226 or 227 of Constitution of India. Accordingly, he prays for appropriate orders.

4. Per contra, learned Additional Government Pleader appearing for the respondents 2 to 4 submitted that, the issue arises in this writ petition is no longer *res-integra* and the same was discussed by the Apex Court in the case reported in ***2008 (2) SCC 660***, wherein the Apex Court made it clear that, in terms of Section 21 of the Legal Services Authority Act, no appeal remedy is available before the lower appellate court and the remedy available is only under Article 226 of Constitution of India, that too, on limited grounds, if the award is not based on settlement/compromise and if the party is not a signatory to the Lok Adalat Award. In the present case, the petitioners themselves admitted their signature in the Lok Adalat Award, later they claims that the signature was obtained by the 5th respondent and



W.P.No.26660 of 2024

other officials is by way of mis-representation/fraud, which is not sustainable and the mis-representation cannot be adjudicated before this court under Article 226 of the Constitution of India, since it is a disputed question of fact. Accordingly, he prays for dismissal of the writ petition.

5. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 2 to 4 and perused the materials available on record.

6. Both the side rely on the decision of the Apex Court in the case of ***Bhargavi Constructions & Anr. Vs. Kothakapu Muthyam Reddy & Ors.*** (supra) and for better appreciation, the relevant paragraph Nos.8 and 12 of the above said judgment are extracted hereunder :-

“8. This suit was for a declaration that the award dated 22.8.2007 passed by the Lok Adalat in Civil Suit No.481 of 2007 was obtained by the defendants of this suit by playing fraud/misrepresentation on the plaintiffs and hence the award dated 22.8.2007 be declared illegal, null and void and not binding on the plaintiffs.

.....

12. The plaintiffs, felt aggrieved, filed an appeal



W.P.No.26660 of 2024

before the High Court. The High Court, by the impugned order, allowed the appeal, set aside the order of the trial court and restore the suit on its file for its disposal on merits in accordance with law. The High Court held that since the suit is founded on the allegations of misrepresentation and fraud, it is capable of being tried on its merits by the civil court.”

7. True it is that the Apex Court has held that to challenge the award of a Lok Adalat, the mechanism under Article 226 of the Constitution by filing a writ petition is maintainable, but which is subject to just exceptions, and it cannot be on the issue of disputed questions of fact. In the present case, the whole case is premised on the ground that by misrepresentation/fraud, the signatures of the petitioners were obtained, which was used to obtain the award. The petitioners are not disputing their signatures in the award, but the only ground alleged is that it was obtained by misrepresentation/fraud, which is a disputed question of fact, which could be agitated only before the appropriate forum as this court is barred from deciding disputed questions of fact under Article 226. Therefore, the present writ petition at the instance of the petitioners cannot be maintained, as the relief to petitioners, if any, lies elsewhere and not before this Court.



W.P.No.26660 of 2024

WEB COPY

8. For the reasons aforesaid, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also dismissed. However, it is open to the petitioners to seek relief before the appropriate forum having jurisdiction, if so advised.

18.10.2024

(2/2)

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes/No

sp

To

- 1.The Taluk Legal Services Committee,
Arakkonam.
- 2.The Collector of vellore district
Collector office,
Ranipet.
- 3.The Revenue Divisional Officer,
RDO Office,
Ranipet.
- 4.The Tahsildar,
Arakkonam Taluk Office,
Arakkonam.
- 5.The Sub-Registrar,
Arakonam.



WEB COPY



W.P.No.26660 of 2024

M.DHANDAPANI, J.

sp

W.P.No.26660 of 2024

18.10.2024
(2/2)



W.P.No.26660 of 2024

W.M.P.No.29181 of 2024
in
W.P.No.26660 of 2024

M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of single Court fee, within a period of two (2) weeks, from the date of receipt of a copy of this order, failing which, this order shall be applicable only to the first petitioner.

sp

18.10.2024
($\frac{1}{2}$)