



WP.No.20178 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2024

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.20178 of 2020 and
W.M.P.No.24933 of 2020

1.G.Pandiyan
2.P.Kavitha

.. Petitioners

VS

1.Thiruvarur District Legal Services Authority
Thiruvarur 610 001.

2.Marimuthu
3.Senthil Kumar
4.Kalavathi
5.Saravanan
6.Uthayakumar
7.Bhuvaneswari

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to all for the records of the first respondent in respect of the Award dated 22.03.2017 passed by the Lok Adalat conducted by the Thiruvarur District Legal Services Authority, viz., the first respondent herein in the Partition suit bearing O.S.No.46/2016 on the file of Sub-Court, Thiruvarur and quash the same as illegal, null and void and not binding on the petitioners in so far the property mentioned as Item No.16 in the Schedule of allotment of



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properties to Plaintiff and defendants 2 to 5 therein in Survey No.56/2C,
Thandalai Village, Thiruvarur Taluk, Thiruvarur District.

For Petitioners : Mr.R.Rajmohan
for Mr.K.S.Viswanathan

For Respondents : Mr.P.Vijay (for R1)
for Mr.C.Samivel

Ms.Gopika (for R2 to R7)
for Mr.B.Ramamoorthy

ORDER

In this writ petition, the petitioner has challenged an award of the
Lok Adalat dated 22.03.2017.

2.On 04.01.2021 and 04.03.2024 my predecessors have passed the
following orders:

04.01.2021

'The case of the petitioners is that they along with Marimuthu are the joint patta holders in respect of property to an extent of two cents out of the total extent 0.005.5 ares (14 cents) in S.No.56/2, Thandalai Village, Tiruvarur Taluk shown as Item No.33 in the schedule to the plaint filed in O.S. No.46 of 2016 pending on the file of the Sub Court, Tiruvarur. However, it is their case that the respondent No.2 had obtained collusive decree in O.S. No.46 of 2016 before the Sub Court, Tiruvarur without making the petitioners as parties in the said suit. According to the petitioners, the respondents 2 to 7 are also attempting to get the compensation amount, under the Land Acquisition Act. The learned counsel for the petitioner drew the attention of this



Court to the patta No.2165, dated 28.02.2017 issued in favour of both the first petitioner as well as Marimuthu. He also drew the attention of this Court to the award of the Lok Adalat passed in the suit O.S. No.46 of 2016 on the file of the Sub Court, Tiruvarur and would submit that the petitioners have been excluded from the said award, despite the fact that the petitioners are the joint patta holders and joint owners along with Marimuthu.

2. Heard Mr.K.S.Viswanathan, learned counsel for the petitioner.

3. After considering the submission of the learned counsel for the petitioners, this Court is of the view that prima facie case has been made out for grant stay of the operation of the impugned award dated 22.03.2017 passed by the Lok Adalat. Accordingly, there shall be an order of interim stay.

4. Notice to the respondents, returnable by 04.02.2021. Private notice is also permitted. Post on 04.02.2021.'

04.03.2024

'This Writ Petition is filed praying to set aside the Lok Adalat award passed by the 1st respondent in O.S.No.46/2016 as the same not binding on the petitioners, insofar as the property mentioned as item no.16 in the schedule of allotment of properties to the plaintiff and the defendants 2 to 5 in S.F.NO.56/2C, Thandalai Village, Thiruvarur.

2. Learned counsel for the petitioners would state that they are having more than half share in the Schedule mentioned property and they have not been included as parties to the suit. Before the Lower Court, the matter was referred to Lok Adalat and a collusive award dated 22.03.2017 was obtained by the plaintiff and the defendants by arriving at a compromise Settlement between themselves. Therefore, he requested this Court to refer the matter back to the Lok Adalat to find out some amicable settlement.



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3. *The learned counsel for the respondents 2 to 7 has no objection in referring the matter to Lok Adalat.*

4. *This Court is of the view that the petitioners who are joint pattadhars, have not been heard while the matter was taken up before the Lok Adalat. The plaintiff also did not add the petitioners herein as parties in the Suit and got the compromise award dated 22.03.2017. Therefore, it is appropriate to refer the matter to the 1st respondent Lok Adalat authority. The petitioners and the respondents 2 to 7 shall put forth their contentions/objections before the said authority. The 1st respondent after hearing the parties shall pass appropriate orders in accordance with law.*

5. *The 1st respondent shall complete the proceedings and file a report before this Court within a period of four weeks. Post the matter before this Court on 02.04.2024.'*

3. On 05.07.2024 the report of the Legal Services Authority dated 11.06.2024 was noted which is to the effect that all parties as well as their counsel were present before the Lok Adalat held on 10.04.2024 and the matter was partly settled. The writ petition was adjourned finally to enable the learned counsel to get instructions in the matter and report.

4. Learned counsel for the petitioner states that the matter was last listed before the Lok Adalat on 21.06.2024 and he is unaware as to when the matter is next listed for hearing.

5. In the aforesaid circumstances and since the parties have been appearing before the Lok Adalat to finalize the settlement, I see no reason to keep this writ petition pending in this Court any longer. Let the



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Lok Adalat decide the matter expeditiously.

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6. With this, this writ petition is closed. No costs. Connected miscellaneous petition is also closed.

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Index: Yes/No

Speaking Order

Neutral Citation: Yes

vs

To

Thiruvarur District Legal Services Authority,
Thiruvarur 610 001.



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DR. ANITA SUMANTH,J.

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