



WEB COPY



W.P.No.36255 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2024

CORAM:

THE HON'BLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.36255 of 2023

and

WMP.No.5366 of 2024

1. R.Venkatesan
 2. R.Kamalambigeswari
- ...Petitioners

Vs.

1. The District General of Police,
Puducherry Police Head Quarters,
2, Dumas St, White Town,
Puducherry – 605 001.
 2. State Bank of India,
Main Branch,
5, Rue Suffren,
Puducherry – 605 001.
 3. R.Vijayalakshmi
 4. A.Bhuvaneswari
 5. U.Revathi
 6. U.Uthayam
- ...Respondents



W.P.No.36255 of 2023

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records and quash the Lok Adalat Award which was referred by the Hon'ble District Court at Puducherry vide O.S.No.352 of 2022 number as LAC 5753/2022 dated 26.06.2022.

For Petitioners : Ms.T.Hemalatha

For Respondents : Mr.V.Vasanthakumar, AGP(P), for R1
: No Appearance, for R2 to R6

ORDER

The petitioners have filed this Writ petition seeking quashment of the Lok Adalat Award which was referred by the District Court at Puducherry vide O.S.No.352 of 2022 numbered as LAC 5753/2022 dated 26.06.2022.

2. The case of the petitioners is that the petitioners are the children of late Rethinasamy and Late Nirmala Devi and after the demise of their mother, the petitioners' father married the 3rd respondent herein as the 2nd wife in the year 1985 and they were blessed with the 4th and 5th respondents herein, While so, after the demise of the said Rethinasamy, the respondents 3 to 5 filed a partition suit in O.S.No.37 of 2022 on the file of the Principal Sub Judge Court, Puducherry and pending the same, the respondents filed a



W.P.No.36255 of 2023

suit in O.S.No.352 of 2022 for obtaining Legal heirship certificate of the petitioners' father and the same was referred to the Lok Adalat and numbered as LAC 5753/2022 in O.S.No.352 of 2022 and an award came to be passed on 26.06.2022 declaring the respondents 3 to 5 as the only legal heirs of Late Rethinasamy, the petitioners' father. Challenging the same, the petitioners have come up with this Writ petition.

3. Learned counsel for the petitioners submitted that, suppressing the fact that the petitioners are also the legal heirs of the said Rethinasamy, the respondents have fraudulently obtained the impugned award as if they are the only legal heirs of the said Rethinasamy, which is not sustainable and the petitioners were not added as a party to the said suit in O.S.No.352 of 2022 and the same has to be necessarily interfered with. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned Additional Government Pleader appearing on behalf of the 1st respondent and perused the material documents placed on record.



W.P.No.36255 of 2023

WEB COPY

5. Though notice was served and the name of the respondents 2 to 6 were printed in the cause list, however, none appeared on their behalf. Considering the period of pendency of this Writ petition, this Court is inclined to dispose of this Writ petition based on the materials available on record.

6. It is the claim of the petitioners that, the petitioners are the children of late Rethinasamy and Late Nirmala Devi and after the demise of their mother, their father, the said Rethinasamy married the 3rd respondent herein in the year 1985 and out of the wedlock, the 4th and 5th respondents were born. However, suppressing the fact that the petitioners are also the Legal heirs of the said Rethinasamy, the respondents 3 to 5 have obtained the present impugned Lok Adalat, declaring themselves as the only legal heirs of the said Rethinasamy.

7. However, it is pertinent to note that, the petitioners are not impleaded as necessary parties in LAC 5753/2022 in O.S.No.352 of 2022



W.P.No.36255 of 2023

and any Lok adalat award obtained by the private respondents without impleading the petitioners as parties will not bind on the petitioners and the same will be a bar for the petitioners to obtain Legal Heirship certificate.

8. In such view of the matter, this Court is inclined to interfere with the impugned award and thereby, the impugned award dated 26.06.2022 passed in LAC 5753/2022 in O.S.No.352 of 2022 is set aside. The petitioners are directed to file appropriate Suit before the competent Civil court seeking issuance of Legal heirship certificate of late Rethinasamy by including the name of the respondents 3 to 5. Upon filing of such suit, the Trial court shall consider the same on merits and pass appropriate orders within a period of twelve weeks from the date of filing of the said suit, after hearing both the parties and without referring to the Impugned Lok Adalat award dated 26.06.2022.



W.P.No.36255 of 2023

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19.10.2024
(2/2)

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Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No

To:

The District General of Police,
Puducherry Police Head Quarters,
2, Dumas St, White Town,
Puducherry – 605 001.



WEB COPY



W.P.No.36255 of 2023

M.DHANDAPANI, J.

skt

W.P.No.36255 of 2023
and
WMP.No.5366 of 2024
(2/2)

19.10.2024



W.P.No.36255 of 2023

WMP.No.36252 of 2023

in

W.P.No.36255 of 2023

M.DHANDAPANI, J.

In view of amendment to the Court fee rules, this petition is allowed, subject to payment of separate Court fee, within a period of two weeks, from the date of receipt of a copy of this order, if not already paid, failing which this order shall be applicable only to the first petitioner.

19.10.2024

(½)

skt