

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO. 3754 OF 2024

Sidramayya s/o Udandayya Purane Jangam
Age – 65 years, Occu. Priest/Agriculture,
R/o. At Post. Aurad Shahajani
Tq. Nilanga, Dist. Latur.

...Petitioner

VERSUS

1. The State Of Maharashtra
Through Its District Collector
Latur, Dist. Latur
2. Vishwanath s/o Madolappa Dadge,
Age : 70 years, Occ. : Retired,
R/o Near Dhangar Society, Somnathpur Road,
Udgir, Tq. Udgir, Dist. Latur
3. Chandrashekhar s/o Shivlingappa Swami,
Age : 80 years, Occ. : Agriculture,
R/o Yenkur, Tq.Bhalki Dist. Bidar.

...Respondents

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Mr. Jain Vishwajeet Ramesh, Advocate for the Petitioner
Ms. K. B. Patil-Bharaswadkar, Addl.G.P. for Respondents/State
Mr. M. S. Chaudhari, Advocate for Respondent No.2

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CORAM : ROHIT W. JOSHI, J.
DATED : 3rd JULY 2025

ORAL JUDGMENT :-

1. The present petition is filed challenging award dated 23.11.2013 passed by panel of National Lok Adalat at Udgir whereby a dispute pertaining to specific performance of contract came to be resolved *inter se* between respondent nos.2 and 3.

2. Respondent no.2 had filed a suit for specific performance of contract against respondent no.3 being Regular Civil Suit No.378 of 2013. The parties requested the learned Trial Court to place the matter for exploring possibility of compromise before National Lok Adalat. Accordingly, the learned Trial Court passed order dated 23.11.2013 placing the matter before the National Lok Adalat.

3. The parties settled the matter and accordingly the said award dated 23.11.2013 came to be passed. The suit property is an agricultural land admeasuring 0.78 HR out of Gat No.96/2 of Village Udgir, Taluka Udgir, District Latur.

4. The contention of the present petitioner is that Gat No.96 was initially bearing Survey No.54. His contention is that this land was owned by his Grandfather who had mortgaged the said property with one Madhavrao Devrao Patil Nerulkar. It is his contention that vide order dated 15.04.1971 passed by the Collector, Osmanabad, the said mortgage was redeemed. This order is passed in a proceeding registered as FILL No.69/RDM/I filed by late grandfather of the petitioner. The petitioner therefore contends that respondent no.3 is not the owner of the suit property.

5. After hearing the respective submissions it appears that a disputed question of fact with respect to ownership right is involved.

Such ownership dispute cannot be resolved in a writ petition. Although an award passed in a National Lok Adalat under the provisions of Legal Services Authority Act, 1987 cannot be challenged in Civil Suit, a title dispute can only be resolved by Civil Court in a properly instituted Civil Suit.

6. The principal issue between the parties is not with respect to the award passed by the National Lok Adalat. The principal dispute is with respect to ownership of property. If the petitioner proves his ownership over the suit property, the award passed by Lok Adalat will be meaningless. Therefore in the considered opinion of this Court, the only remedy that is available to the present petitioner is to file a suit for declaration of ownership along with other reliefs that may be available to him.

7. The petition is disposed of with liberty to file Civil Suit as aforesaid.

[ROHIT W. JOSHI, J.]