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W.P.No.30880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

W.P.No.30880 of 2024

P.K.Madesh

.. Petitioner

Vs.

1.The District Legal Services Authority
Rep.by its Chairman
ADR Building, Combined Court Campus
Dharmapuri-636 705.

2.The District Registrar
Dharmapuri district Registration Office
1st Floor, Salai Vinayagar Koil Road
Dharmapuri-636 701.

3.The Sub Registrar
Sub Registrar's Office
Karagathahalli
Palacode-636 808.

4.The Tahsildar
Tahsildar Officer
Palacode-636 808.

5.P.M.Raja

6.R.nandhini

7.R.Siva

8.K.Rajkumar

9.T.G.Periyannan

10.K.Santhi

11.R.Ilango

.. Respondents

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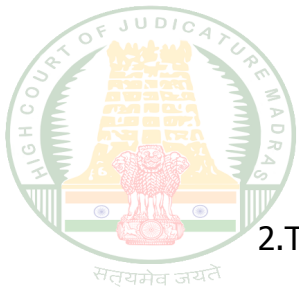
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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the Impugned Award passed by the 1st Respondent in Lok Adalat Case No.72 of 2023 in OS.No.248 of 2023 dated 14/10/2023 on the file of Subordinate Court, Palacode and quash the same and consequently, direct the respondents 2 and 3 to cancel the settlement Deeds executed in Doc. Nos. 1236 and 1237 of 2024 both dated 12/03/2024 and the 4th respondent to remove the names of the private respondents from the Revenue records of the subject properties in S.No.520 521 /1 522 /2 524/1 at Eranhalli village palacode Taluk Dharmapuri Dstrict, all made based on the impugned Award.

For Petitioner	: Mr.S.Sathia Chandran
For Respondents	: Mr.E.Vijay Anand Additional Government Pleader for R1 & R4 Mr.Stalin Abimanyu Additional Government Pleader for R2 & R3 Mr.R.Selvakumar for R5 to R11

ORDER

This writ petition has been filed challenging the award passed by the 1st respondent in Lok Adalat Case No.72 of 2023 in OS.No.248 of 2023 dated 14/10/2023 on the file of the Sub Court, Palacode and consequently direct the 2nd and 3rd respondents to cancel the settlement deeds executed on 12.03.2024 and remove the names of the private respondents from the revenue records.



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2.The case of the petitioner is that the paternal uncle of the petitioner was an agreement holder for the subject property. Even before the sale deed was executed, he passed away. Thereafter, the sale deed was executed in favour of one Muthammal and Salammal. They executed a Sale Deed dated 24.02.1960 in favour of the petitioner's father when he was a minor, Pachaiyappan and Mariappan. Ultimately, the petitioner's father was in possession and enjoyment of the property settled in his favour by Muthammal and Salammal from the year 1960 onwards under Document No.309 of 1960.

3.The further case of the petitioner is that his father passed away leaving behind the petitioner, four sisters and the mother and they were in possession and enjoyment of the property. In the year 2013, the legal heir of Pachaiyappan and Mariappan along with the sisters of the petitioner executed power of attorney document in favour of certain third parties even with respect to the subject property and on the strength of the said power of attorney document, a sale deed dated 25.07.2012, came to be executed in respect of a portion of the property. On coming to know of the said alienation, the petitioner and his mother filed suit in O.S.No.85 of 2013, before the District Munsif Court, Palacode, seeking for the relief of declaration and permanent injunction against all the legal heirs of Pachaiyappan, Mariappan and Kandhasamy and also the subsequent purchaser.



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4.In the year 2023, a third party was attempting to put up construction and on enquiry, it came to light that a portion of the property has been sold in his favour through a sale deed registered as Document No.2056 of 2021 and questioning the same OS.No.111 of 2023 was filed by the petitioner for the relief of declaration and permanent injunction before the District Munsif Court, Palacode and the said suit is pending. In order to have more clarity in dealing with the properties, the petitioner and his mother and sisters filed a suit for partition in OS.No.208 of 2023, before the Additional District and Sessions Court, Dharmapuri. They have also sought for the cancellation of sale deeds executed in favour of the 14th defendant. This suit is also pending.

5.The petitioner came to know that the 6th respondent filed a suit in OS.No.248 of 2023, before the Sub Court, Palacode against the 5th respondent seeking for the relief of specific performance. On 14.10.2023, both the 5th and 6th respondents appeared before the Lok Adalat and settled the matter, wherein the 5th respondent agreed to execute the sale deed in favour of the 6th respondent, failing which the 6th respondent can get the sale deed executed through Court.

6.The 6th respondent instead of getting the sale deed executed in her favour, managed to execute settlement deeds in favour of the 5th and 7th respondents who are



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none other than the father and brother of the 6th respondent. In turn, the 5th and 7th respondents sold the property to the respondents 8 to 11.

7.The present writ petition has been filed questioning the award passed in OS. No.248 of 2023 on the ground that it vitiated by fraud and it arose out of a collusive suit between the father and daughter.

8.Heard Mr.S.Sathia Chandran, learned counsel for the petitioner. Mr.E.Vijay Anand, learned Additional Government Pleader for R1 & R4, Mr.Stalin Abimanyu, learned Additional Government Pleader for R2 & R3 and Mr.R.Selvakumar, learned counsel for R5 to R11.

9.The learned counsel for the petitioner submitted that the Lok Adalat Award can be questioned only by filing a writ petition and there is no other alternative remedy available to the petitioner. He further submitted that the 5th and 6th respondents filed the suit and managed to get a Lok Adalat Award only to defeat the rights of the petitioner and others and more so when already suits are pending before the concerned Courts. It was further submitted that the private respondents taking advantage of the Lok Adalat award have created further documents and they are creating more alienations to defeat the rights of the petitioner and others.



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10. Per contra, the learned counsell for the private respondents submitted that the petitioner do not have any right over the subject proeprty and therefore, the petitioner cannot question the Lok Adalat Award.

11. From the narration of facts, it is quite evident that the parties are already at loggerheads and atleast two suits are pending touching upon the same property. The Lok Adalat Award which has been questioned will not bind any of the other parties except the 5th and 6th respondents who are none other than father and daughter. It will always be open to the petitioner and others to raise the issue that the Lok Adalat Award will not bind them and that it was more in the nature of a collusive award to deal with the subject property. This Court does not want to go into the merits of the award passed since the 5th and 6th respondents are denying the right of the petitioner and others in the subject property. That has to be tested considering the manner in which the suit was filed and it ended with a Lok Adalat Award. Surprisingly, the award provided for execution of a sale deed in favour of the 6th respondent by the 5th respondent but however settlement deeds have been executed by the 6th respondent in favour of 5th and 7th respondents. It is not very clear as to how the 6th respondent executed settlement deeds even without the execution of a sale deed in favour of the 6th respondent. Hence, tenability of the award passed in the Lok Adalat can always be questioned in the pending proceedings and admittedly the suit was filed and the Lok



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Adalat Award was passed during the pending of the earlier two suits in OS.No.85 of 2013, before the District Munsif Court, Palacode and in OS.No.208 of 2023, before the Additional District and Sessions Court, Dharmapuri.

12.Insofar as OS.No.85 of 2013, it is at the stage of service of notice on the defendants. In OS.No.208 of 2023, it is at the stage of filing written statement. Obviously, the Lok Adalat award that arose out of the proceedings between the 5th and 6th respondents, will not have any bearing in the pending suits and it can be independently questioned and decided in those suits. The Civil Court before which the suits are pending can decide on the tenability of the Lok Adalat Award during the pendency of the suits where the same properties are involved. In the light of this clarity given by this Court, the petitioner and others who are agitating the suits before the Civil Court can raise all the grounds including the tenability of the award passed by the Lok Adalat. The same will be considered on its own merits and in accordance with law.

13.In order to stop any further alienation and creation of third party rights, there shall be an order of injunction restraining the private respondents not to alienate the subject properties pending the suits. There shall be a direction to the learned Principle District and Sessions Court, Dharmapuri to transfer to its file the suit pending in OS.No.85 of 2013, before the District Munsif Court, Palacode and it can be decided



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along with OS.No.208 of 2023, since the same properties are involved and it is inter connected. If two Courts are parallely going to deal with the suits, it may lead to contradictory judgments and multiplicity of proceedings. There shall be a direction to the learned Principle District and Sessions Judge, Dharmapuri, to dispose of the suits in OS.No.208 of 2023, along with OS.No.85 of 2013, within a period of nine (9) months from the date of receipt of copy of the order.

14.This writ petition is disposed of in the above terms. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
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N. ANAND VENKATESH, J.

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