



WEB COPY

WP No. 2886 of 2024



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 09-03-2026**

**CORAM**

**THE HONOURABLE MR JUSTICE M.DHANDAPANI**

**WP Nos. 2886 and 19146 of 2024**

**and**

**WMP Nos. 3128 & 20988 OF 2024**

R.Sudhakar

Petitioner(s)

**Vs**

1. R.Sankar

2.G.Vijayakumar

3.G.Gopal

4.The Chairman,

District Legal Services Authority,

District Court Buildings, Salem 636

007. (R4-impleaded as per order dated

08.03.2024 in WMP.5131/2024 In

WP.2886/2024 by ASMJ)

Respondent(s)

**WP No. 19146 of 2024**

A.Rajkumar

Petitioner(s)

**Vs**

1. The Chairman

District Legal Service Authority,

District Court Buildings,

Salem-636 007

2.R.Sankar

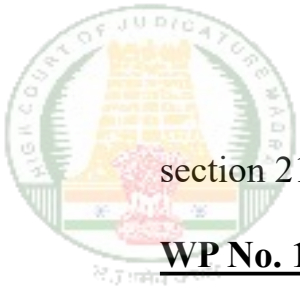
3.G.Vijayakumar

4.G.Gopal

Respondent(s)

**PRAYER in WP No. 2886 of 2024:** Petition filed under Article 226 of Constitution of India, calling for the records comprised in the Award made in Lok Adalat Case No. 577 of 2021 dated 24.11.2021 passed by the Lok Adalat under Section 21 of the Legal Services Authority Act, 1987 organized by the district Legal Services Authority, Salem, quash the same.

**PRAYER in WP No. 19146 of 2024:** Petition filed under Article 226 of Constitution of India, calling for records relating to the Award made in Lok Adalat Case No.577 of 2021 dated 24.11.2021 passed by the Lok Adalat under



section 21 of the Legal Services Authority Act, 1987 to quash the same

**WP No. 19146 of 2024:**

For Petitioner(s): Mr.L.Chandrakumar  
For Respondent(s): Mr.E.V.Chandru @  
E.Chandrasekaran for R1  
Mr. N. Kolandaivelu for R3 & R4

**WP No. 2886 of 2024:**

For Petitioner(s): Mr.V.Balamurugan  
For Respondent(s): Mr.J.Vinoth for R1  
E.V.Chandru @ E.Chandrasekaran for R4  
Mr. N. Kolandaivelu for R2 & R3

**COMMON ORDER**

Since the challenge is made to very same Lok Adalat Award, the writ petitions are clubbed together and are disposed of by way of this common order.

2. Challenging the Lok Adalat Award dated 24.11.2021 in Lok Adalat Case No.577 of 2021 by the District Legal Services Authority, the present writ petitions have been filed on the ground that Lok Adalat Award is passed as against the interest of the petitioners, who are father and son/originally one of the plaintiff.

3. The petitioner in WP.No.2886 of 2023 is the son of the petitioner in WP.No.19146 of 2024. It is the case of the petitioners that R.Sankar, the first respondent in WP.No.2886 of 2024 and R.Sudhakar (petitioner in WP.No.2886 of 2024) have filed a suit in O.S.No.210 of 2014 on the file of the learned Additional District Judge, Salem for partition and declaring of sale deeds as



well as the lok adalat award dated 29.02.2012 as null and void. While the suit was pending, R.Sankar has filed an application in I.A.No.3 of 2019 seeking to transpose R.Sudhakar as a defendant on the ground that he had developed difference of opinion after the demise of his mother. The Trial Court vide order dated 25.03.2021 allowed the application and transposed R.Sudhakar as 14<sup>th</sup> defendant in the above suit.

4. It is the grievance of the petitioners that R.Sankar along with the other private respondents conspired, colluded together and entered into a compromise amongst themselves before the Lok Adalat on 24.11.2021. The compromise is that the private respondents have paid a sum of Rs.50 lakhs to R.Sankar, who in turn, has given an undertaking that he shall not claim any right over the suit properties or challenge the sale deeds as prayed in the suit. Besides, the R.Sankar has given an undertaking that he will not press the relief of declaration to declare the lok adalat award dated 29.02.2012 as null and void. It is the contentions of the petitioner that the respondents have compromised amongst themselves without any reference to the share of the petitioners/son and father in the impugned Lok Adalat Award, hence, the Lok Adalat Award has come into existence by playing fraud by the respondents herein. Hence, seeks for quashing the same by way of these instant writ petitions.



5. The learned counsel for the petitioners submitted that except for D2 and D3, none of the other defendants have endorsed the settlement, therefore, the award of the Lok Adalat suffers patent illegality apart from irregularity in arrival of compromise. The learned counsel relied on the decision in *Bhargavi Constructions and another vs. Kothakapu Muthyam Reddy and others* reported in (2018) 13 SCC 480 and *M.Antonysamy vs. S. Mumtaj and others* reported in (2019) 5 CTC 522 and contended that the High Courts had powers to interfere with the Lok Adalat Award wherein it has been established that fraud has been played on the affected party by the other party and the Lok Adalat Award had been given without knowing about the fraud. Hence, seeks for setting aside the same.

6. The learned standing counsel for the District Legal Service Authority fairly submitted that in view of the compromise entered into amongst the respondent themselves and as it affects the rights of the petitioners, the same requires interference in the hands of this Court.

7. Heard both sides and perused the materials placed on record.

8. At the outset, it is relevant to note that Section 20(4) of the Legal Services Authorities Act, 1987 clearly mandates that every Lok Adalat while



determining any reference made before it under the Act should be guided by the principles of Justice, equity, fair play and settlement. It is trite law that functions of Lok Adalat are related purely to conciliation and must be based on compromise or settlement between the parties and in case no compromise or settlement is arrived at the case records must be returned to the Court from which the reference was made. Failure of consensus between such parties makes the entire process futile. In the case on hand, when admittedly the suit is partition and for separate possession, the consent of the petitioners/father and one of the petitioner was originally a plaintiff is imperative amongst the respondents as well. Admittedly, the petitioners/13<sup>th</sup> defendant and 14<sup>th</sup> defendant, originally the plaintiff were not at all a party to the Award. The compromise entered amongst the respondents themselves without making the petitioners as party to the Lok Adalat Award is clearly a rank violation of the provisions contained in Section 20(4) of the Legal Services Authorities Act, 1987. Thus, when the entire facts leading to the award before the Lok Adalat is established to have been obtained by playing a fraud and the parties concluding themselves, the award itself would be a nullity and non-est in the eye of law.

9. In this regard, it is apposite to refer to the judgment of the Hon'ble apex Court in the case of *S.P.Chengalvaraya Naidu V. Jagannath* reported in *AIR 1994 SC 853* on these proposition and the relevant observation reads as follows:-



*“1."Fraud avoids all judicial acts, ecclesiastical or temporal" observed Chief Justice Edward Coke of England about three centuries ago. It is the settled proposition of law that a judgment or decree obtained by playing fraud on the court is a nullity and non est in the eyes of law. Such a judgment/decree by the first court or by the highest court has to be treated as a nullity by every court, whether superior or inferior. It can be challenged in any court even in collateral proceedings.*

*8.The facts of the present case leave no manner of doubt that Jagannath obtained the preliminary decree by playing fraud on the court. A fraud is an act of deliberate deception with the design of securing something by taking unfair advantage of another. It is a deception in order to gain by another's loss. It is a cheating intended to get an advantage. ...”*

10.For all the foregoing reasons, this Court passes the following orders:

a)The award passed in Lok Adalat Case No.577 of 2021 in the Lok Adalat held on 24.11.2021 organized by the District Legal Services Authority, Salem, in connection with the suit in O.S.No.210 of 2014, recording the terms of Settlement Memo between the parties to the suit, is set aside as null and void.

b)Consequently, the suit proceedings in O.S.No.210 of 2014 on the file of the learned Additional District Judge-I, Salem stands restored on the file of the learned Additional District Judge-I, Salem.

11. Accordingly, these writ petitions stand allowed. No costs. Consequently, connected miscellaneous petitions stand closed.



WP No. 2886 of 2024



**09-03-2026**

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



WP No. 2886 of 2024



To

WEB COPY

1. The Chairman  
District Legal Service Authority,  
District Court Buildings,  
Salem-636 007
2. The Additional District Judge – II  
The Additional District Court, Salem



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WP No. 2886 of 2024



**M.DHANDAPANI J.**

dhk

**WP Nos. 2886 and 19146  
of 2024**

**09-03-2026**