

(2017) 01 MAD CK 0063

MADRAS HIGH COURT

Case No: 24 of 2 017

P. Murthy

APPELLANT

Vs

The Collector of
Cuddalore

RESPONDENT

Date of Decision: Jan. 25, 2017

Acts Referred:

- Legal Services Authorities Act, 1987, Section 21 - Award to Lok Adalat

Hon'ble Judges: S.Manikumar, M.Govindaraj

Bench: DIVISION BENCH

Advocate: S.Manikumar, M.Govindaraj

Judgement

S.No.,S.No and sub-survey No.,Classification,Extent in Hector

1,3/4,RD,0.415000

2,3/8,RD,0.160000

3,3/9,RD,0.150000

4,3/10,RD,0.095000

5,3/11,RD,0.215000

6,3/12,RD,0.95000

„Total,1.130000 Hector or 2.791100 Acres

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Value of Trees,0.00,,

Value of Well,0.00,,

Value of the Building,0.00,,

Total Value,"2,40,710.34","2,40,710.34","Index 2 ""A
Solatium amount of 30%,"72,213.10","72,213.10",
12% interest (20/10/06- 12/12/07),"33,158.67","33,158.67",
Advance Assignment interest,0.00,0.00,
Total,"3,46,082.11","3,46,082.11",
Recovery if any,,,
Income Tax,,,Not accepted
Others,0.00,,Not accepted
As per given compensation Amount,"3,46,082.11","3,46,082.11",
Amount given,"3,46,082.00","3,46,082.11","""C

(3) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats organized by the Supreme Court,,,

Legal Services Committee shall be such as may be prescribed by the Central Government in consultation with the Chief Justice of India.,,,

(4) The experience and qualifications of other persons referred to in clause (b) of sub-section (2) for Lok Adalats other than referred to in sub-,,,

section (3) shall be such as may be prescribed by the State Government in consultation with the Chief Justice of the High Court.,,,

(5) A Lok Adalat shall have jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of -,,,

(j) any case pending before; or,,,

(ii) any matter which is falling within the jurisdiction of, and is not brought before, any court for which the Lok Adalat is organized:",,,

Provided that the Lok Adalat shall have no jurisdiction in respect of any case or matter relating to an offence not compoundable under any law.,,,

21. Award of Lok Adalat - [(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of",,,

any other court and where a compromise or settlement has been arrived at by a Lok Adalat in a case referred to it under sub-section (1) of section,,,

20, the court-fee paid in such case shall be refunded in the manner provided under the Court Fee Act, 1870 (7 of 1870).] (2) Every award made",,,

by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.",,,

7. Though Mr.R.Karunakaran, learned counsel for the appellant assailed the correctness of the award made by the writ Court, on the grounds inter",,,

alia that the Lok Adalat has failed to consider payment of interest from 12/12/2007 to 5/3/2012, when Lok Adalat No.141 of 2012 was decided,",,,

on 5/3/2012 and further contended that interest had been calculated only from 20/10/2010 to 12/12/2017 and therefore, order impugned before",,,

us requires interference, this Court is not inclined to accept the said contentions, for the reason that as per Section 21 of the Legal Services",,,

Authorities Act, 1987, ""Every award of the Lok Adalat shall be deemed to be a decree of a Civil Court or, the case may be, an order of any other",,,

Court and where a compromise or settlement has been arrived at, by a Lok Adalat. Sub-Section 2 of Section 21 of the Act, states that every",,,

award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall like to any Court against the award.",,,

8. It can be seen from the above that with the consent of the land owner, Lok Adalat has passed an award, on 5/3/2012 which in terms of Section",,,

21 of the Legal Services Authorities Act, 1987, is a decree. After nearly 3 years and 7 months, writ petitioner has sent a representation, dated",,,

27/10/2015, to reopen a decree, which has reached finality. Even taking it for granted that remedy is provided under common law to challenge a",,,

decree, the same ought to have been within the period, provided therefor and that the aggrieved person has to plead and substantiate the grounds.",,,

Writ Court has categorically observed that the averments made in the affidavit do not specify any grounds.,,,

9. Mandamus sought for, in effect would unsettle a decree, validly passed under the provisions of the Legal Services Authority Act, 1987.",,,

Contention of the petitioner that the writ Court has failed to advert to the non-payment of interest for the period stated supra, cannot be accepted,",,,

as the Lok Adalat Award No.85 of 2007 dated 5/3/2012, a decree, has reached finality long ago. For the reasons stated supra, we do not find",,,

any valid ground to interfere with the order of the writ Court.,,,

10. Accordingly, this Writ Appeal is dismissed. No costs.",,,