

(2002) 07 AP CK 0031

In the Andhra Pradesh High Court

Case No : Writ Petition No. 10919 of 2002

V. Rama Krishna Reddy

APPELLANT

Vs

Commissioner Narasaraopet Municipality, Narasaraopet,
Guntur District and Others

RESPONDENT

Date of Decision : 02-07-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 4 ALD 892

Hon'ble Judges : Ar. Lakshmanan, C.J.; Ghulam Mohammed, J

Bench : Division Bench

**Advocate : D. Krishna Murthy, for the Appellant; E.S.S. Pratap SC for
Respondent Nos. 1 and 2 and Government Pleader for Respondent Nos. 3 and 6,
for the Respondent**

Final Decision : Dismissed

Judgement

Ar. Lakshmanan, C.J.—Heart Shri D. Krishna Murthy, learned Counsel for the petitioner.

2. The writ petition is filed seeking a writ of certiorari to call for the records in OS No. 2 of 2002 on the file of Lok Adalat, Narasaraopet and quash the same and issue a consequential direction to the respondents to restore the suit schedule land to Narasaraopet Municipality.

3. This writ petition was filed by one v. Ramakrishna Reddy as public interest litigation. According to him, he is questioning the alleged collusive action of the respondents 1, 3, 4 and 5 in grabbing the land which is public property in an extent of 54-52 square yards by abusing the process of law by filing O.S.No.2 of 2002 on the file of Principal Junior Civil Judge, Narasaraopet in the first instance and subsequently getting it transferred to Lok Adalat for passing a collusive Award on 5-2-2002. The circumstances that compelled the petitioner to file the writ petition have been elaborately stated in the writ petition in Paras 3 to 8.

4. The terms of compromise entered into between the parties before the Lok Adalat read thus:

(a) "On verification, it is found that the schedule mentioned property belongs to the plaintiff, as such the defendant agreed not to interfere with the plaintiffs peaceful possession and enjoyment of the schedule mentioned property;

(b) Both parties agreed to bear their own costs;

(c) Schedule attached hereto."

5. The compromise memo was signed by the learned Counsel for the plaintiff and the defendants 1 and 2 and their Counsel.

6. The Legal Services Authority Act, 1987 (Act No. 39 of 1987), as amended by the Legal Services Authorities (Amendment) Act, 1994 (Act No. 59 of 1994) came into force with effect from 9-11-1995. The said Act was enacted to constitute the Legal Services Authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic, or other disabilities and to organise Lok Adalats to secure that the operation of the legal system promotes justice on the basis of equal opportunity. It is pertinent to note that Article 39A of the Constitution of India was introduced by the Constitution 42nd Amendment Act, 1976 which deals with equal justice and free legal aid.

7. For some time now, Lok Adalats have been constituted at various places in the country for the disposal, in a summary way and through the process of arbitration and settlement between the parties, of a large number of cases expeditiously and with lesser costs. The institution of Lok Adalats is at present functioning as a voluntary and conciliatory agency without any statutory backing for its decisions. It has proved to be very popular in providing for a speedier system of administration of justice. In view of its growing popularity, there has been a demand for providing a statutory backing to the Lok Adalats and the awards passed by this Institution. It is felt that such a statutory support would not only reduce the burden of arrears of work in regular Courts, but would also take justice to the door-steps of the poor and the needy and make justice quicker and less expensive. The Act is enacted to achieve the above objects. Section 21 of the Act reads as follows:

"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-fees 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."

8. As per Sub-clause (2) of Section 21, 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.

9. As already noticed above, the compromise memo was signed before the Lok Adalat by the parties to the proceedings in OS. 2 of 2002. None of the parties to the said proceedings has challenged the compromise decree as illegal. However, the present writ petition has been filed by a third party who is not a party to the proceedings in OS 2 of 2002. His contention is that the decree passed in OS 2 of 2002 dated 5-2-2002 is collusive and the same is vitiated by fraud.

10. In our opinion, the writ petition, at the instance of a public interest litigant questioning the award in OS No.2 of 2002 which has been passed by a competent Lok Adalat u/s 21 of the Legal Services Authority Act, 1987 is not maintainable. We are unable to entertain the writ petition on the short ground that no writ petition would lie to quash the judicial decision rendered on merits.

11. A Division Bench of Kerala High Court in a decision reported in *Sankarankutty v. State of Kerala* 2000 (2) KLT 1, decided an identical issue in a case arising under the Prevention of Corruption Act, 1988. In the said case, the appellant, a police officer, filed a writ petition before the Kerala High Court seeking to quash the judicial decision of the Magistrate Court. Speaking for the Bench, one of us (Justice AR. Lakshmanan, as he then was), has held that no writ would lie for quashing the judicial decision of a Court of law and that since the writ petition was filed for quashing the judicial decision rendered on merits it was not maintainable. The decisions rendered in *Naresh Shridhar Mirajkar and Others Vs. State of Maharashtra and Another*, ; *Union of India v. Vijaya Mohini Mills* 1992 (1) KLT 404; *Parsed v. Spl. Deputy Collector* 1973 KLT 996, and *Nall Koya v. Admr., Union TER. of LAC* 1968 KLT 60, were also referred to in the above context. Para 11 of the Division Bench decision in *Sankarankutty's* case which is relevant is reproduced hereunder:

"Next we shall consider the argument of the learned Government Pleader in regard to the maintainability of the writ petition filed against the judicial decision of a special Judge. The learned Counsel for the appellant argued that this main prayer is to quash Ext.P5 notification and that the prayer to quash Ext.P6 is only ancillary to the main prayer. We are unable to accept the above contention. As already pointed out, the vires/validity of the first proviso to Section 17 has not been challenged. Ext.P.6 is a judicial decision rendered by the Special Judge on merits and after hearing the Counsel appearing on either side. The Supreme Court in *Naresh Shridhar Mirajkar and Others Vs. State of Maharashtra and Another*, (Seven judges Bench) has conclusively held that no writ will lie for quashing the judicial decision, of a Court of law. This decision has also been relied on by Division Bench of this Court in 1992 (1) KLT 404 : 1973 KLT 996 : 1968 KLT 60. Since a writ petition filed to quash a judicial decision rendered on merits in a proceeding under Article 226 of the Constitution is not maintainable as held by the Supreme Court in the above decision and followed by this Court,

we dismiss the writ petition on the question of maintainability. We also dismiss the writ petition on the ground of laches. The investigation was commenced as ordered by the Government in its G.O., dated 29.2.1996 and continued thereafter and completed. The charge-sheet was also filed and witnesses were examined. The matter is adjourned for argument and at this stage, this writ petition has been filed on February 9, 2000. We are unable to accept the contention of the appellant that he came to know of the illegality committed by the investigating agency only when the officer who registered the case was examined before the Court."

12. In our opinion, the above observations made by the Kerala High Court squarely covers the case on hand as well. The Writ petition is, therefore, liable to be dismissed on the ground of maintainability. It would be open to the writ petitioner to seek appropriate remedy before the appropriate forum. It is stated that the writ petitioner is a public interest litigant and, therefore, he cannot pay the Court fee and incur other legal expenses. That cannot be a ground, in our opinion, to waive the Court fee or the other legal expenses. It is always open to a poor party if he is really poor to approach the Legal Services Authority and seek free legal aid and then proceed further. The writ petition fails and is dismissed.