



**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

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**Writ Petition No.34237 OF 2022**

**Between:**

S.Elumalai, S/o Shanmugam,  
Aged about 57 years, Occ: Worked as PG Tamil Teacher,  
R/o 22, Vinayagar Koil Street, Melkalathur,  
Arakkonam, Melkalathur, Vellore, Tamil Nadu.

....Appellant/Defendant.

*Versus*

1. The Lok Adalat Bench, Puttur, through  
Mandal Legal Services Committee, Puttur,  
Chittoor District.
2. E.Santhi, W/o S.Elumalai,  
Aged about 40 years, Occ: Housewife,  
Residing at D.No.27-38/A, Kamarajanagar,  
Gate Puttur, Chittoor.
3. Eyerikai Annam, D/o S.Elumalai,  
Aged about 19 years, Occ: Student,  
Residing at D.No.27-38/A, Kamarajanagar,  
Gate Puttur, Chittoor.
4. Suryanila Vannan (Minor), S/o S.Elumalai,  
Aged about 16 years, Occ: Student,  
Residing at D.No. 27-38/A, Kamarajanagar,  
Gate Puttur, Chittoor, Represented by their  
Next friend and mother E.Santhi.

....Respondents/Defendants.

DATE OF JUDGMENT PRONOUNCED : 08.11.2022

SUBMITTED FOR APPROVAL:

**HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

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|---|--------|
| 1. Whether Reporters of Local Newspapers<br>may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copy of Judgment may be<br>marked to Law Reporters/Journals?     | Yes/No |
| 3. Whether His Lordship wish to see the<br>fair copy of the Judgment?           | Yes/No |

**C.PRAVEEN KUMAR, J**

**B.V.L.N.CHAKRAVARTHI, J**



**\*HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**

**AND**

**\* HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**

**+ Writ Petition No.34237 OF 2022**

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....Respondents/Defendants.

**! Counsel for the Appellant : Smt. Y.Maha Lakashmi**

**^ Counsel for the  
Respondents Nos.1 to 4 : Sri S.Lakshminarayana Reddy**



**< Gist:**

**> Head Note:**

**? Cases referred:**

- 1. AIR 2019 Andhra Pradesh 7**
- 2. 2010 (3) ALD 330 (DB)**
- 3. 2012 (4) ALD 27 (DB)**
- 4. 2015 (6) ALD (1) DB**

This Court made the following:



**HON'BLE SRI JUSTICE C.PRAVEEN KUMAR**  
**AND**  
**HON'BLE SRI JUSTICE B.V.L.N.CHAKRAVARTHI**  
**WRIT PETITION No.34237 of 2022**

**ORDER:** (*Per Hon'ble Sri Justice B.V.L.N.Chakravarthi*)

This writ petition is filed seeking a Writ of Certiorari to exercise the extraordinary original jurisdiction vested in the High Court by virtue of Article 226 of the Constitution of India to declare the award dated 08.02.2020 passed by the Lok Adalt Bench, Puttur in O.S.No.24 of 2019 on the file of the Senior Civil Judge, Puttur as illegal, improper, without jurisdiction and against the procedure established by law, contrary, contrary to the Legal Services Authority Act and rules thereon and consequently to set aside the same.

2. The facts leading to the filing of this writ petition are as under:

The wife, daughter, and son who are the respondents Nos.2 to 4 in the Writ Petition, filed a suit in O.S.No.24 of 2019 on the file of Senior Civil Judge, Puttur against the writ petitioner here in to pass a decree and judgment in their favour and against the writ petitioner to pay a sum of Rs.20,50,000/- out of the voluntary retirement benefits received by the writ petitioner, towards their maintenance alleging that the marriage between the 2<sup>nd</sup> respondent, and the writ petitioner took place on 10.09.2000 at Sri Subramanyaswamy temple, Puttur Town, and during their wedlock the respondents 3 and 4 were born, and the writ petitioner is working as a Government School Teacher and has got a defective



eyesight, but he can see things at a close distance, and for the past three years there is a lot of change in the attitude of the writ petitioner, and he was causing insecurity and problem of privacy to inmates of the house and the 2<sup>nd</sup> respondent raised protest as there are grown up children are in the house, but the writ petitioner did not feel the seriousness of the situation and on the other hand he started blaming respondents 2 & 3, and the friends of the defendant were entering into the house in drunken condition, and he started neglecting respondents 2 to 4, and stopped securing provisions to the house and was beating respondents 2 to 4 and his spoiled the study atmosphere in the house, and drinking urine in front of the wife and children under guise of health care, and proclaiming that the wife, children should not stop him, and having no other go they reached the house of the mother of the 2<sup>nd</sup> respondent at Puttur and on 04.05.2019 they reported the matter to women Police Arakonam and issued a legal notice on 27.05.2019 to the writ petitioner, and he issued a reply notice dated 06.06.2019 making false allegations and having no other go they filed PLP.No.33 of 2019 on the file of Lok Adalat, Puttur, but the writ petitioner did not appear before the Lok Adalat, and conveniently applied for voluntary retirement and that the respondents 2 to 4 are unable to maintain themselves, and they are with the mother of the 2<sup>nd</sup> respondent at Puttur, and they demanded the writ petitioner to pay maintenance for their sustenance and the education of the children, but he did not pay any amount and on the other hand applied for



voluntary retirement to avoid the maintenance and having no other go they filed a suit in the court of Senior Civil Judge, Puttur for Rs.20,50,000/-.

3. While the suit was pending before the Senior Civil Judge, Puttur, the parties entered into compromise and to record compromise, at the request of both the parties, the Mandal Legal Services Committees referred O.S.No.24 of 2019 for settlement under Section 20 of the Legal Services Authority Act, 1987. The terms of compromise were reduced to writing. Placed before the Mandal Legal Services Committee, requesting to record compromise, and in view of the settlement, they appeared before the Mandal Legal Services Committee, duly signed by the writ petitioner and respondent 2 to 4. In terms of the compromise, award dated 08.02.2020 was passed by the Mandal Legal Services Committee in Lok Adalat Bench, Puttur. In Lok Adalat case No.2 of 2020 and thus in view of the settlement, suit was disposed of.

4. The writ petitioner filed the present writ petition on the ground that he is a visually blind person, and respondent 2 to 4 filed the suit against him to pay a sum of Rs.20,50,000/- out of his voluntary retirement benefits towards their maintenance for future life, and he is working as a teacher in the Government Higher Secondary School, Mahendravadi, Ranipet District, and that he has taken voluntary retirement on 31.05.2022. He married the 2<sup>nd</sup> respondent in the year 2000 and respondent No.3 and 4 are children, and they stayed with him for a period of 13 years and 2<sup>nd</sup> respondent was regularly quarreling with him, and



she filed a complaint in the year 2019 with Arakonam Police, and she was taking his salary and giving only a small amount for his maintenance, and she filed the suit in O.S.No.24 of 2019 on the file of Senior Civil Judge, Puttur for recovery of voluntary retirement benefits towards maintenance and that she with the help of her brother, who is working as police constable in Puttur has obtained signatures of the writ petitioner on the compromise memo, and she filed the same in the Lok Adalat and the Lok Adalat passed award on 08.02.2020, and that he does not know the contents for the compromise memo before the Lok Adalat, and he also does not know about the award passed by the Lok Adalat, Pttur, and his wife herself engaged a counsel on his behalf and filed the said compromise. The writ petitioner further contended that the Senior Civil Judge, Puttur without any jurisdiction entertained O.S.No.24 of 2019 and Lok Adalath, Puttur without any jurisdiction passed the award, though the petitioner is residing at Melkalthur, Tamilnadu State and the writ petitioner is a teacher in Mahendravadi Higher Secondary School, Ranipet at Tamilnadu, he when approached by the school authorities they informed him about Lok Adalat award No.2 of 2020 passed by the Lok Adalat, Puttur in O.S.No.24 of 2019. The respondent No.2 with the help of her brother appears to have played fraud, and the respondent No.1 i.e., Lok Adalat Bench to knock away his retirement benefits, and got the award and the said circumstances in the petitioner has no



cases for alternative remedy, except to seek redress before this court under Article 226 of the Constitution of India.

5. Heard Smt.Y.Maha Lakshmi, learned counsel for the petitioner and Sri S.Lakshmi Narayana Reddy, learned Standing Counsel for the State Legal Services Authority/Respondents.

6. During hearing, at the time of admission, the learned counsel for the writ petitioner contended that the award passed by Lok Adalat Bench, Puttur was liable to be set aside as it was obtained by playing fraud against the writ petitioner as well as the Lok Adalat Bench, Puttur, and that the writ petitioner is a visually challenged person, and that the signatures of the writ petitioner on the compromise memo were obtained by the 2<sup>nd</sup> respondent with the help of her brother, who is working as a police constable at Puttur, and the writ petitioner was not informed about the contents of the compromise memo at the time of obtaining his signatures on the compromise memo filed before the Lok Adalat, and that the 2<sup>nd</sup> respondent herself engaged a counsel on behalf of the writ petitioner before the Lok-Adalath Bench, Puttur, and therefore, fraud was played against the Lok Adalat Bench at Puttur, and in that view of the matter, the award passed by the Lok Adalat has to be set aside.

7. The admitted facts are the marriage of the writ petitioner and the 2<sup>nd</sup> respondent was solemnized on 10.09.2000, and during their wedlock the respondents 3 & 4 were born, and that the writ petitioner is working as





Government School teacher in Mahendravadi Higher Secondary School at Ranipet, Puttur. The 2<sup>nd</sup> respondent filed O.S.No.24 of 2019, averred that their marriage was solemnized in Subramaneswaraswamy Temple at Puttur since parents are residing at Puttur. The writ petitioner in his affidavit did not deny the fact that the marriage was solemnized at Puttur in Chittoor District of Andhra Pradesh. It is also an admitted fact that the respondents 2 to 4 filed O.S.No.24 of 2019 on the file of Senior Civil Judge, Puttur for maintenance and in the plaint contended that the writ petitioner was harassing them, and did not provide maintenance and having no other go on 04.05.2019 they reported the matter to women police at Arakonam, and later issued legal notice on 27.05.2019 and the writ petition also replied noticed dated 06.06.2019, and they filed PLC.No.33 of 2019 on the file of Lok Adalat, Puttur, but, in spite of receiving notice, the writ petitioner did not appear before the Lok Adalat. The writ petitioner did not deny the same in his affidavit filed in the writ petition. On the other hand he admitted that the 2<sup>nd</sup> respondent gave a report to Arakonam Police against him. The respondents 2 to 4 contends that they came to Puttur and were residing with the mother of the 2<sup>nd</sup> respondent at Puttur as they are unable to bear the harassment of the writ petitioner, and he was not providing maintenance to them for their sustenance, and for educational needs of respondents 3 and 4. The writ petitioner made an attempt to say that the suit is not maintainable on the point of jurisdiction at Puttur, alleging that the



2<sup>nd</sup> respondent is residing in Tamilnadu State, and therefore, she has to file suit only in Tamilnadu. But the writ petitioner in his affidavit stated that the brother of the 2<sup>nd</sup> respondent is working as police constable, Puttur, and with his help she has taken his signatures on the compromise memo which prima facie shows that the mother and brother of the 2<sup>nd</sup> respondent are residing in Puttur of Chittoor District in Andhra Pradesh.

8. The writ petitioner made allegations in the petition that the 2<sup>nd</sup> respondent obtained his signatures without explaining the contents of the compromise, and filed the same before the Lok Adalat, Puttur and she with the help of her brother played fraud on the Lok Adalat, Puttur to knock away retirement benefits, and that he did not know the contents of the compromise memo filed before the Lok Adalat, Puttur, and also he did not know about award passed by the Lok Adalat, Puttur and that 2<sup>nd</sup> respondent herself engaged a counsel on his behalf and filed the said compromise. The copy of award filed before this Court shows that the Lok Adalat Bench, Puttur was consisting Senior Civil Judge, Puttur and an Advocate member and on 08.02.2020, O.S.No.24 of 2019 was referred under Section 20 of Legal Services Authorities Act, 1987, and therefore the Lok-Adalat in the presence of both parties of the suit, basing on the terms of the compromise placed before the Lok Adalat signed by the both parties, passed the award under Section 21 of the Legal Services Authorities Act, 1987. The award also shows that both parties were present before the Lok Adalat Bench presided



by a Senior Civil Judge and an Advocate Member, and their respective counsel were also present, and signed on the award before the Lok-Adalat Bench, Puttur.

9. It is pertinent to note down that the writ petitioner subscribed his thumb impression in the affidavit filed in the writ petition in support of his case. In the affidavit he did not state that he cannot subscribe signature since is a visually challenged person, and he always subscribes only thumb impression. On the other hand his own statement in the affidavit the writ petition, shows that the 2<sup>nd</sup> respondent with the help of her brother who is working as police constable in Puttur obtained the signatures on the compromise memo ,without explaining the contents of the same and filed same before the Lok Adalat Bench, Puttur. It shows that the writ petitioner can subscribe signatures. It is not known how the writ petitioner was able to subscribe signatures on the compromise memo in the circumstances stated by him when he is 100% visually challenged person, and he subscribes only thumb impression.

10. The writ petitioner in his affidavit did not explain anything as to why he remained silent when his signatures were obtained by coercion or force by the 2<sup>nd</sup> respondent on the compromise memo without explaining the contents of the compromise memo. It is not his case that he presented a report to the police against the 2<sup>nd</sup> respondent and her brother at the relevant point in time, and that his signatures were obtained on a compromise memo by force or coercion. The



writ petitioner in his affidavit did not say when those signatures were obtained on the compromise memo, and how he knows that it is a compromise memo when contents were not explained to him. It is not his case that his signatures were obtained on a blank white paper, he specifically pleaded that his signatures were obtained on a compromise memo without explaining the contention.

11. The other contention of the writ petitioner is that the 2<sup>nd</sup> respondent herself engaged a counsel on his behalf for the purpose of the case before the Lok Adalat, Puttur. Therefore, he intends to say that the counsel appeared on behalf of the Lok Adalat Bench, Puttur was not engaged by him, he did not give any Vakalath permitting him to appear on his behalf of before the Lok Adalat, nor give consent or instructions to him to appear before Lok Adalat Bench, Puttur, and to sign on the compromise memo and award before the Lok Adalat Bench, Puttur for recording the compromise in O.S.No.24 of 2019 filed by his wife. The affidavit is silent whether, the writ petitioner has initiated any action against his wife, and the advocate appeared for him before the Lok Adalat Bench, Puttur against his will/consent or instructions, and subscribing signatures on compromise memo, and award as the counsel of the writ petitioner.

12. It is also pertinent to note down that award passed on 08.02.2020, this writ petition was filed on 17.10.2022, nearly after 2 ½ years after the award



was passed by the Lok Adalat Bench, Puttur. In the writ, petitioner made a feeble attempt in the affidavit to say that when he approached the school authorities, he was informed about the Lok Adalat award. He did not state when he approached his school authorities. The award copy filed before Courts shows that the Senior Civil Judge Court, Puttur vide letter dated 02.03.2020 communicated the Lok Adalat Award and Terms passed in O.S.No.24 of 2019 to the Branch Manager, State Bank of India, Arakonam Main Branch with a request to comply with the 2<sup>nd</sup> and 3<sup>rd</sup> conditions of the award, and also a copy was addressed to Chief Educational Officer, Vellore, now in Ranipet, Tamilnadu with a request to comply with 4<sup>th</sup> and 5<sup>th</sup> conditions of the award, and copies were also sent to the District Educational Officer, Arakonam, Tamilnadu and the Headmaster, Government Higher Secondary School, Mahendravadi, Nemali Taluk, Ranipet District where the writ petitioner is working as teacher and a copy of award was enclosed to the said letter dated 02.03.2020. Therefore, the writ petitioner's contention that when he approached the school authorities, he was informed about the award is an afterthought, and probably for that reason he did not state when he approached them. The writ petitioner did not explain why he is silent for about 2 ½ years.

13. It is a settled law that Award passed by the Lok Adalat cannot be reversed except by way of writ petition, and no other authority or Court shall have



jurisdiction as stated by the Hon'ble Apex Court in the case of **Atluru Chandra Sekhara Rao v. Atluru Mahesh Babu and Ors<sup>1</sup>**.

14. As per **Section 21 of the Legal Services Authority Act, 1987**, every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, and the award made by the 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, and all the proceedings before the Lok Adalat shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code and the Lok Adalat shall be deemed to be a civil Court for the purpose of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

15. For better understanding, Section 21 of the Legal Services Authority Act, 1987 is extracted as under:

**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-free 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.**

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<sup>1</sup> AIR 2019 Andhra Pradesh 7



16. In the present writ petition, copy of award shows that the Lok Adalat Bench, Puttur was presided by Judicial Officer i.e., Senior Civil Judge, Puttur and also an Advocate Member, and both parties to the suit were present before the Lok Adalat apart from their respective counsels, and all of them signed on the Award before the Lok Adalat Bench, Puttur on the date of award i.e., on 08.02.2020.

17. Now the writ petitioner intends to question the same and seeks relief to set aside the award on the ground that fraud was played on the writ petitioner as well as on the Lok Adalat Bench, Puttur by the 2<sup>nd</sup> respondent and also by the Advocate who appeared on behalf of the writ petitioner.

18. When the writ petitioner alleged fraud, it is for him to plead and prove the alleged fraud by producing cogent and satisfactory material before the Court and pleading as contemplated under Order VI, Rule 4, C.P.C is required. The affidavit filed in support of the writ petition contains only bald allegations, no cogent material is produced to prove the alleged fraud except filing a Disability Certificate indicating that he is a visually challenged person.

19. The law on the subject is very clear as laid down by Hon'ble High Court of Andhra Pradesh in several Judgments (**vide Sanjay Kumar v. Secretary, City Civil Court Legal Services Authority<sup>2</sup>**, and **Sri Durga Malleswari Educational Society, Vijayawada v. District Legal Services Authority,**

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<sup>2</sup> 2010 (3) ALD 330 (DB)



**Vijayawada<sup>3</sup> and Atluru Chandra Sekhara Rao v. Atluru Mahesh Babu and Ors as stated supra.**

20. In **Kothakapu Muthya Reddy and Ors. Vs. Bhargavi Constructions and Ors<sup>4</sup> on the file of High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh**, while considering the scope of Section 21 and 22-E(1) of the Act, observed that fraud must be established beyond reasonable doubt, and however suspicious it may be the circumstances, however strange the coincidence, and however grave the doubt, suspicion alone can never take the place of proof and held that when the Court finds no material, it cannot quash the orders passed by the Lok Adalat.

21. The above principles were reiterated by the Hon'ble High Court of Andhra Pradesh in **Atluru Chandra Sekhar Rao v. Mahesh Babu and others**, wherein my Learned brother Justice C.Praveen Kumar is one of the member of the Division Bench.

22. When the award prima facie shows that the petitioner and his counsel signed on the terms of the compromise, the petitioner cannot resile from the compromise, and contend that it was obtained by fraud, without producing any cogent proof. Therefore, in the absence of cogent material on record to establish fraud in obtaining the award under challenge, we are unable to accept the contention of the learned counsel for the petitioner.

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<sup>3</sup> (2012 (4) ALD 27 (DB)

<sup>4</sup> (2015 (6) ALD (1) DB





23. The petitioner has taken a plea that the 2<sup>nd</sup> respondent played coercion and fraud in obtaining the signatures on compromise memo and in obtaining award, and also played fraud on the Mandal Legal Services Committee. Therefore, it is for the petitioner to disclose the details of fraud, and it is not sufficient to allege the same, without explaining the details of the circumstances from which same are to be inferred, as required under Order VI, Rule 4 of the C.P.C.

24. The alleged fraud is a question of fact, and it has to be determined based on the pleadings and evidence before the competent Court. In the absence of any prima facie material before the Court to establish the alleged fraud played by the second respondent against the petitioner, the Court, and Mandal Legal Services Committee, much less, the ingredients of fraud as required under Section 17 of the Indian Contract Act, such disputed question of fact cannot be decided by this Court in writ petition.

25. The High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh in **Kothakapu Muthyam Reddy and Ors. Vs. Bhargavi Constructions and Ors**, held as follows:

**“fraud either can be proved by the established facts or inference can be drawn from admitted and/or undisputed facts and the law required strict proof of fraud and that fraud is essentially a question of fact, the burden to prove which is upon him who alleges and that near allegations averments of facts do not make a strong prima facie case of fraud and the material evidence has to show it and that a finding as to be fraud cannot be based on suspicion and conjecture and must**



**be established beyond reasonable doubt, and ordinarily the burden to prove fraud would be on the party who asserts the affirmative of the issue and its rests, after evidence is gone into, upon the party against whom, at the time the question arises, the judgment would be given if no further evidence adduced by either side and that the decree of proof required in such cases is extremely high and fraud must be established beyond reasonable doubt, and however, suspicious may be the circumstances, however, strange the coincidence, and however grave the doubt, suspicious alone can never take place of proof and the basic principles of the rules of evidence required a party alleging fraud to give particulars of fraud and in the absence of the particulars, no inference can drawn up fraud merely on the basis of presumptions and a heavy duty lies upon the party who alleges fraud and level of proof required, by proving fraud, is extremely high”.**

26. In the present writ petition, the facts and circumstances discussed supra do not make out a case of fraud. The allegations are vague, and not supported by any cogent proof. Mere allegations/averments of facts do not make a strong prima facie case of fraud. The petitioner after 2 ½ years of the award passed by the Lok Adalat, Puttur filed the Writ petition with vague allegations that the 2<sup>nd</sup> respondent played fraud on the petitioner as well as the Lok Adalat Bench, Puttur. The petitioner without taking any action against his wife, her brother, or the advocate who appeared on his behalf before the Lok Adalat Bench, filed the writ petition making feeble allegations of fraud against them which are not sufficient to establish fraud as alleged by him.

27. In view of our foregoing discussion, we are of the view that it is not a fit case to set aside the award on any one of the grounds urged in the petition. Consequently, the writ petition is liable to be dismissed.



28. In the result, the writ petition is dismissed at the stage of admission.

Consequently, miscellaneous applications pending if any, shall stand dismissed.

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**JUSTICE C. PRAVEEN KUMAR**

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**JUSTICE B.V.L.N. CHAKRAVARTHI**

Date:08.11.2022

Dmr



**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR  
AND  
HON'BLE SRI JUSTICE B.V.L.N. CHAKRAVARTHI**

**WRIT PETITION No.34237 of 2022**  
(Per Hon'ble Sri Justice B.V.L.N.Chakravarthi)

Date: 08.11.2022

Dmr