

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 16.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.8922 of 2020

and

W.M.P.No.10856 of 2020

1. Mrs.Jerina Moorthy
2. P.Vijayakumar
3. Mrs.Panjali Devi
4. P.Sampath
5. Mrs.Pattammal ...Petitioners

vs.

1. The Village Administrative Officer (VAO),
Pudumavilangai Village & Panchayat,
Kadambathur Post,
Thiruvallur Taluk & District 631 203.
2. The Executive Officer,
Pudumavilangai Panchayat,
Block Development Office,
Kadambathur,
Thiruvallur Taluk & District 631 203.

3. Mrs.Leeladevi Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records on the file of the 1st respondent viz. the Village Administrative Officer, Pudumavilangai Village & Panchayat, Kadambathur Post, Thiruvallur Taluk & District-631 203, pertaining to the VAO Certificate dated 18.11.2017 issued by the 1st respondent & quash the same as illegal & improper and to direct the 2nd respondent-Executive Officer, Pudumavilangai Panchayat, Block Development Office, Kadambathur, not to collect any amount under the caption, house tax, property tax etc., and refrain it from issuing receipts therefor in the name of the 3rd respondent.

For Petitioners : Mr.M.J.Jaseem Mohammed

For RR1 and 2 : Mr.A.Aruldoss, Government Advocate

For R3 : Mr.S.Vijayakumar, Government Advocate

ORDER

This writ petition is filed as against the certificate issued by the Village Administrative Officer of Kadambathur, the first respondent herein in favour of the third respondent Leeladevi, wife of Mahimaidas.

2. In the impugned certificate, the Village Administrative Officer has certified that the land in S.No.28/6 to an extent of 0.0.3 cent is a land belonging to M.Leeladevi, wife of Mahimaidas.

3. During the course of hearing, the learned counsel for the petitioners has produced a letter of the Village Administrative Officer dated 25.5.2020 to the Assistant Engineer of Tamil Nadu Electricity Board that by oversight, he has issued the certificate to Leeladevi that the land in S.No.28/6 belongs to Leeladevi instead of S.No.28/1A and the said letter dated 25.5.2020 is also filed before this court as additional typed set of papers.

4. Though this court has provided opportunity to the third respondent, she has not filed any counter.

5. Since the Village Administrative Officer, who issued the impugned certificate dated 18.11.2017, has, in his letter dated 25.5.2020, clarified that he issued the certificate by oversight, this writ petition is allowed and the earlier certificate dated 18.11.2017 issued by the first respondent is set aside.

6. Apart from the grievance against the impugned order issued by the Village Administrative Officer, the petitioners have also raised some other serious allegation that fraud has been played by the third respondent in order to grab the petitioners' property and for that purpose, the other officials have also colluded with the third respondent in creating forged and fabricated document.

7. It is always open to the petitioners to lodge a complaint before the police concerned alongwith relevant documents to establish his case that some of the documents have been forged in order to grab their property and if any such application is lodged, the police concerned is directed to look into the matter, register a case and proceed in accordance with law. It is also open to the petitioners to lodge a complaint before the District Collector alongwith a copy of the certificate issued by the Village Administrative Officer on 18.11.2017 as well as his letter dated 25.5.2020 and on receipt of such a complaint, the District Collector shall enquire into the matter and take appropriate action as against the Village Administrative

Officer, who issued the Certificate in an irresponsible manner.
No costs. The connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk

To

1. The Village Administrative Officer (VAO),
Pudumavilangai Village & Panchayat,
Kadambathur Post,
Thiruvallur Taluk & District 631 203.
2. The Executive Officer,
Pudumavilangai Panchayat,
Block Development Office,
Kadambathur,
Thiruvallur Taluk & District 631 203.
3. The District Collector,
Thiruvallur.

+1cc to Mr.MJ.Jaseem Mohamed, Advocate, S.R.No.17029
+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.17026
+1cc to the Government Pleader, S.R.No.17331

सत्यमेव जयते

W.P.No.8922 of 2020

NMI (CO)
KM(16/04/2021)

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