



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No. 27558 of 2011

C.Saroja

...Petitioner

Vs

1. The District Collector
Salem District
Salem.
2. The Tahsildar
Attur Taluk, Salem District.
3. The Village Administrative Officer
Office of the Village Administrative Officer
Thenkumarai Village
Attur Taluk
Salem District.

4. Mr. Pachamuthu

...Respondents

Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider Petitioner's representation dated 03.09.2010.

For Petitioner : Mr. L.Rajendran

For Respondents : Mr. K.M.D.Muhilan (For R1 to R3)
Government Advocate

Mr. A.Tamilvanan (For R4)

O R D E R

The relief sought for in the Writ Petition is to direct the First to Third Respondents to consider the representation submitted by the Petitioner on 03.09.2010.

2. The representation submitted by the Petitioner reveals that the allegations raised are of civil nature. Such issues cannot be decided by the High Court in a writ proceeding under Article 226 of the Constitution of India.



3.The Parties are bound to establish their civil rights before the competent court of law by filing original documents, evidences including oral evidences. Such an exercise cannot be done in a Writ Proceeding. Based on the affidavit filed in a writ petition and relying on the certain xerox copy of FMB sketch, civil rights can never be crystalized.

4.This being the principle is to be followed, even for a direction to consider the representation, the petitioner has to establish the right. In the absence of establishing any right, no such direction needs to be granted by this Court.

5.In view of the facts and circumstances, the petitioner is at liberty to approach the competent civil court of law for establishing civil rights in respect of immovable property.

6.Accordingly, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

Maya
To

1. The District Collector
Salem District, Salem.
2. The Tahsildar
Attur Taluk
Salem District.
3. The Village Administrative Officer
Office of the Village Administrative Officer
Thenkumarai Village
Attur Taluk, Salem District.

+1cc to L.Rajendran, Advocate, S.R.No.
+1cc to the Government Pleader, S.R.No.

W.P. No. 27558 of 2011

RSV[co]
NSK 25/11/2021