



WEB COPY

W.P.No.22448 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22448 of 2023

and

W.M.P.No.21850 of 2023

Tamilarasan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Revenue and Disaster Management,
Fort St. George,
Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Ariyalur District,
Ariyalur.
- 3.The District Registrar,
Ariyalur District,
Ariyalur.
- 4.The Tahsildhar,
Senthurai Taluk,
Ariyalur District.
- 5.The Village Administrative Officer,
Asaveerankudikadu Village,
Senthurai Taluk, Ariyalur District.



6.The Village Administrative Officer,
Manapathur Village,
Senthurai Taluk,
Ariyalur District.

7.Senthil Kumar
Village Administrative Officer,
Manapathur Village,
Senthurai Taluk,
Ariyalur District.

8.The Taluk Surveyor,
Mattur Firkha,
Senthurai Taluk,
Ariyalur District.

9.Viswanathan

10.Raja Prasad

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing 3rd respondent to conduct an enquiry based on petitioner's representation dated 08.05.2023 to cancel the fraudulent document vide Doc.No.1040/2023. Consequently directing the respondents 4 and 8 restraining from conducting survey and subdivision pending disposal of the suit in O.S. No. 32 of 2023 on the file of District Munsif cum Judicial Magistrate, Senthurai and to take appropriate action against the 7th respondent for the illegalities committed by him.



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For Petitioner

: Mr.M.R.Elavarasan

For R1 to R6

: Mr.D.Ravichander

Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the 3rd respondent to conduct an enquiry based on the petitioner's representation dated 08.05.2023 to cancel the fraudulent document vide Doc.No.1040/2023 and consequently, direct the respondents 4 and 8 restraining from conducting survey and subdivision pending disposal of the suit in O.S.No.32 of 2023 on the file of District Munsif cum Judicial Magistrate, Senthurai and to take appropriate action against the 7th respondent for the illegalities committed by him.

2. Admittedly, a civil dispute exists between the petitioner and his brothers. A civil suit has been instituted in O.S.No.32 of 2023, which is pending on the file of the District Munsif cum Judicial Magistrate, Senthurai.

3. The grievance of the writ petitioner is that the Village Administrative



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Officer (VAO), who belongs to other Village issued a certificate with reference to the boundaries of the subject property in favour of the respondents 9 and 10. The complaint given by the petitioner to the District Collector was also rejected. Thus, the petitioner is constrained to move the present writ petition.

4. The certificate issued by the VAO cannot be considered conclusive proof with reference to the property right of the persons. Such certificates issued cannot be relied upon for the purpose of establishing the civil rights of the parties, which is to be done independently based on the documents and evidences on records in the pending suit.

5. The 2nd respondent is directed to look into the powers conferred on the VAO for the purpose of issuing such certificates relating to the property rights of the persons and in the event of any excess exercise of powers by the VAO, then all appropriate actions are to be initiated including disciplinary proceedings.

6. In the present case, VAO, who belongs to other village / 7th



respondent, issued a certificate, which is beyond his jurisdiction. Thus, the 2nd respondent is directed to initiate all appropriate actions.

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7. As far as the relief sought for in the present writ petition is concerned, the same cannot be considered and in respect of all such grievances, the petitioner is at liberty to approach the Competent Court in a pending suit instituted or by filing an appropriate application.

8. With this liberty, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

31.07.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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