



C.R.P(MD)No.423 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

C.R.P(MD)No. 423 of 2024

and

C.M.P(MD)No.2106 of 2024

Deivamurthy

...Petitioner

Vs.

1.Vijaya

2.Venkatesan

3.Vigneshwari

4.Malliga

5.Nanthakumar

6.Raja

7.Sub Registrar,
Sub Registrar Office,
Karunthattankudi,
Karanthai,
Thanjavur Taluk and District.

....Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to call for the records relating to the impugned



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fair and decreetal order dated 22.12.2023 made in I.A.No.04 of 2023 in O.S.No.204 of 2022 on the file of the Additional Sub Court, Thanjavur, to set aside the same and allow this Civil Revision Petition.

For Petitioner : Mr. V.S.Kumara Guru

For R7 : Mr. J.Ashok
Additional Government Pleader

ORDER

This Civil Revision Petition is filed to call for the records relating to the impugned fair and decreetal order dated 22.12.2023 made in I.A.No.04 of 2023 in O.S.No.204 of 2022 on the file of the Additional Sub Court, Thanjavur, to set aside the same and allow this Civil Revision Petition.

2. The case of the prosecution is that a suit in O.S.No. 204 of 2022 was filed by the petitioner herein seeking relief of specific performance and for a consequential and alternative relief for return of the advance amount of Rs.1.50 Lakhs. The defendant



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appeared and filed written statement. Issues were framed. During the course of trial process, the petitioner has taken up I.A.No.4 of 2023, seeking permission of this Court to summon the witnesses mentioned in the petition for the purpose of proving the document dated 19.08.2009. That came to be dismissed by the trial Court against which this revision is filed.

3. Heard the learned counsel for the petitioner.

4. As mentioned above, the main suit is one for specific performance and an alternative remedy for return of the advance amount paid by the petitioner. Now it has been stated by the learned counsel for the petitioner that at the time of entering into the contract of agreement, he was put in possession of the property. To prove the possession, he obtained certificate from the VAO, Karunthattankudi, Thanjavur Taluk, on 12.06.2007 for the purpose of proving the particular purpose of the possession, he wants to examine the concerned officer.



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5. This Court is completely at loss to understand as to how a possession certificate can be issued by the VAO. Even if it is produced before the Court, the possession cannot be decided on that basis. Possession must be decided only on the basis of the records available and not on the basis of the certificate issued by the concerned VAO, who is also not a competent person to issue such a certificate. If at all the petitioner can rely upon only the Adangal maintained in the usual course of business by the Village Administrative Officer, without resorting to such, an attempt made by the petitioner to examine the concerned VAO. So it has been rightly rejected by the trial court.

6. I find absolutely no reason to entertain this petition. There is no illegality in the order of the learned Additional Subordinate Judge, Thanjavur, dated 22.12.2023 made in I.A.No.04 of 2023 in O.S.No.204 of 2022.



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7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

20.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1.The Additional Subordinate Judge, Thanjavur.



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G. ILANGO VAN, J.

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