

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2019

CORAM

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P. No. 4698 of 2018

A.Mahadeviah @ Mahadeva

... Petitioner

Vs.

1. The District Collector
Krishnagiri, Krishnagiri District.
 2. The Sub Collector
Krishnagiri, Krishnagiri District.
 3. The Revenue Divisional Officer
Soolagiri, Krishnagiri District.
 4. The Tahsildar
Soolagiri, Krishnagiri District.
 5. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Hosur, Krishnagiri District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the First Respondent to take appropriate action on the Petitioner representation by directing the Third and Fourth Respondents to cancel and change the Patta from the name of Malaimel Irukkum Aanjaneya Swamy Temple into Sri Someswara Swamy Temple in Survey No. 48 bearing old Patta No. 498 based upon the records of the HR & CE Department and old A Register and also based upon the petitioner's representation dated 08.06.2017.

For Petitioner : Mr. A. Prakash

For Respondents : Mr. M.Karthikeyan (For R1 to R4)
Additional Government Pleader

Mr.M.Maharaja (For R5)
Special Government Pleader

O R D E R

When it is pointed out by the Learned Special Government Pleader appearing for the Fifth Respondent that the nature of grievance ventilated by the Petitioner in the representation dated 08.06.2017 for disposal of which direction is sought in the Writ Petition, were actually disputed questions of facts between him and the Temple, whose name has entered in the revenue records and not made a party to the Writ Petition, which require to be decided after recording of evidence of the parties on their rival contentions and could not be redressed by invoking the public law remedy following summary procedure under Article 226 of the Constitution, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to institute suit impleading necessary parties before the jurisdictional Civil Court for effectual and complete adjudication of the matter and he has made an endorsement to that effect, which is recorded.

2. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

may
To

1. The District Collector
Krishnagiri, Krishnagiri District.
 2. The Sub Collector
Krishnagiri, Krishnagiri District.
 3. The Revenue Divisional Officer
Soolagiri, Krishnagiri District.
 4. The Tahsildar
Soolagiri, Krishnagiri District.
 5. The Assistant Commissioner
Hindu Religious and Charitable Endowment Department
Hosur, Krishnagiri District.
- +1 cc to Mr.S.Kumara devan, Advocate, Sr.No. 58424
+1 cc to The Government Pleader, Sr.No. 58777

W.P. No. 4698 of 2018

CSL/30.07.2019