

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2019

CORAM

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

W.P. No. 29914 of 2019

and

W.M.P. No. 29826 of 2019

M. S. Jayaraman

... Petitioner

Vs.

1. The Sherishthadar,
Sub-Court, Tindivanam,
Villupuram District.

2. Mr. S. Shanmugam

3. Mr. Devakumar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent to recover the documents namely Exhibits B1 to B15 filed by the Petitioner in O.S. No. 33 of 2005, before Sub Court, Tindivanam from the Second and Third Respondents and to hand over to the Petitioner duly following the procedure.

For Petitioner : Mr. P. T. Perumal

For Respondents: Mr. M. Anand Subramanian (For R1)

O R D E R

This Writ Petition has been filed to direct the First Respondent to recover the documents, viz., Exhibits B1 to B15 filed by the Petitioner in O.S. No. 33 of 2005 before the Sub Court, Tindivanam, from the Second and Third Respondent and to hand over to the Petitioner by following the procedure.

2. In Radhey Shyam -vs- Chhabi Nath [(2015) 5 SCC 423], a three Judges Bench of the Hon'ble Supreme Court of India has held that the judicial proceedings of the Civil Court are not amenable to writ jurisdiction under Article 226 of

the Constitution and that the aggrieved persons could take recourse to the powers of superintendence of the High Court for the same under Article 227 of the Constitution. In view of that legal position, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to the Petitioner to seek necessary relief in Civil Revision Petition under Article 227 of the Constitution of India and he has made an endorsement to that effect, which is recorded.

3. Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

maya/gsa

To

The Sherishthadar,
Sub-Court, Tindivanam,
Villupuram District.

W.P. No. 29914 of 2019

A.SK(04/11/2019)

सत्यमेव जयते

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