

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2020
CORAM
THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU
W.P. No. 1786 of 2020

Indian Christian Mission Centre (ICMC Trust)
Poovanur Village
Ayothiyapattinam Panchayat Union
Salem District
Pin - 636 122
Represented by its Managing Trustee
Rev. Dr.S.Jayaraj Krishnan

... Petitioner

Vs.

1. The Secretary to Government
Rural Development and Local Administration Department
Government of Tamil Nadu
Fort St. George
Chennai - 600 009.
2. The District Collector
Salem District.
3. The Block Development Officer
Ayothayapattinam Panchayat Union
Salem District.
4. The Special Officer /Executive Authority
Poovanur Villayage Panchayat
Ayothiya Pattinam Panchayat Union
Salem District

... Respondents

Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the Respondents herein to desist, abstain or refrain from constructing a wall, barrier or fence in front of the petitioner's trust buildings entrance, its sponsored orphanage and institutions or its main gate with view to preventing the students from pursuing their studies by passing order on the petitioner's representation dt. 04/12/2019.

For Petitioner : Mr. Manoharan Sundaram

For Respondents : Mr. R.Venkatesh (For R1 & R2)
Government Advocate
Mr. M.Digvijay Pandian (For R3 & R4)
Additional Government Pleader

O R D E R

When it is pointed out that the nature of grievance sought to be ventilated by the Petitioner in the Writ Petition involves disputed question of fact, viz-a-viz, the rights of the Petitioner and the Third and Fourth Respondents in respect of access to property, which has to be decided after recording of evidence of the parties on 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 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

may a

To

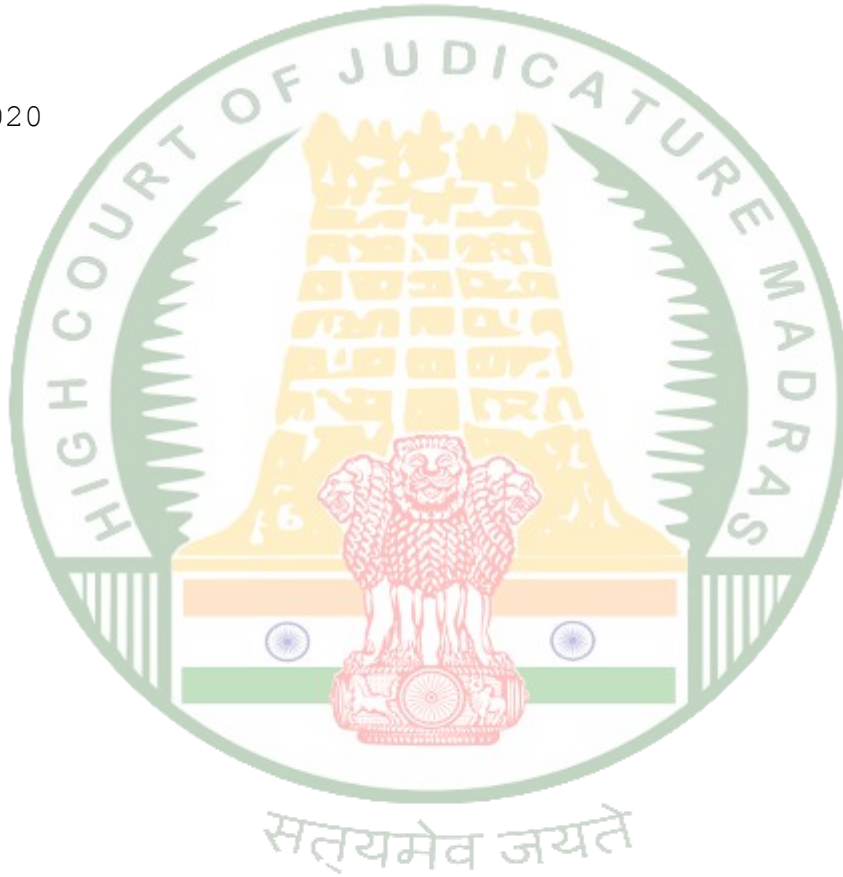
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Salem District.

+1 cc to Mr.M.Dig vijayapandian Advocate sr6803
+1 cc to M/s.Government Pleader sr7692

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