



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM

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

W.P. (MD)No.299 of 2018

Abinaya Xavier

... Petitioner

Vs.

The Branch Manager,
State Bank of India, Chinnathurai Branch,
Kanyakumari District.

... Respondent

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus directing the Respondent to disburse a sum of Rs.20,00,000/- along with interest which was deposited as compensation for the death of the petitioner's brother by considering the representation of the petitioner dated 08.12.2017.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.S.Sethuraman

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 for money claimed, 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty. It is made clear that no view has been expressed by this Court on the correctness or entitlement on the merits of the claim made by the Petitioner. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

das/sj

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-9549[F]

+1 CC to M/s.S.SETHURAMAN, Advocate (SR-9695[F] dated 02/03/2020)

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