



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.03.2020

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.10298 of 2017

and

W.M.P. (MD) No.8298 of 2017

M.Nalla Ibrahim

... Petitioner

Vs.

1.The Executive Engineer,
Water Resource Organisation,
Public Works Department,
Manjalaru Basin Sub Division,
Periyakulam, Theni District.

2.The Assistant Executive Engineer,
Water Resource Organisation,
Public Works Department,
Manjalaru Basin Sub Division,
Periyakulam, Theni District.

...Respondents

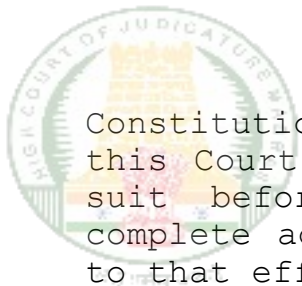
PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to forthwith disburse the bill amount of the petitioner to the tune of Rs.34,55,710/- for the repair and rectification of damage carried out for the 18th channel from 0 to 40.80 kms under the control of respondents together with interest at 12% p.a., within a reasonable time as may be fixed by this Hon'ble Court.

For Petitioner : Mr.K.Appadurai

For Respondents : Mr.S.Angappan
Government Advocate

ORDER

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 Respondents in respect of a money claim, 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 Accordingly, the Writ Petition is dismissed as withdrawn granting such liberty.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. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sj

To

- 1.The Executive Engineer,
Water Resource Organisation,
Public Works Department,
Manjalaru Basin Sub Division,
Periyakulam, Theni District.
- 2.The Assistant Executive Engineer,
Water Resource Organisation,
Public Works Department,
Manjalaru Basin Sub Division,
Periyakulam, Theni District.

+1 CC to M/s.SPL.GP (SR-10768[F] dated 10/03/2020)

+1 CC to M/s.K.APPADURAI, Advocate (SR-10793[F] dated 10/03/2020)

W.P. (MD)No.10298 of 2017
09.03.2020

AP(18.03.2020) 2P 5C