



WEB COPY



W.P. No. 27148 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2022

CORAM

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

**W.P. No. 27148 of 2022
and
W.M.P. No. 26364 of 2022**

D.Kumar

... Petitioner

-VS-

1. The Joint Commissioner,
Hindu Religious & Charitable Enforcement Department,
Thiruvanaikovil,
Trichy - 5.
2. The Assistant Commissioner,
Hindu Religious & Charitable Enforcement Department,
Taluk Office Building,
Perambalur Taluk.
3. The Executive Officer,
A/m. Venugopalsamy and Kalatheeswarar Temple,
Esanai Village & Post,
Perambalur Taluk & District - 621 219.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to remove the sign board placed in front of the property measuring an extent of 6 acres and 54 cents comprised in S. No. 45/2 situated at Esanai Village, Perambalur Taluk and consequently direct the Respondents to drop all the actions against the above mentioned property.



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For Petitioner : Mr. R.Sathishkumar
For Respondents : Mr. N.R.R.Arun Natarajan,
Special Government Pleader
(for R1 & R2)

ORDER

Heard Mr. R.Sathishkumar, Learned Counsel for the Petitioner and Mr. N.R.R.Arun Natarajan, Learned Special Government Pleader who takes notice for the First and Second Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. When it is pointed out that the nature of grievance sought to be ventilated by the Petitioner in the Writ Petition involves disputed questions of fact which require 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 in the court record.



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WEB COPY In view of the same, the Writ Petition is dismissed as withdrawn grating such liberty. Consequently, the connected Miscellaneous Petition is closed. No costs.

12.10.2022

vjt

Index: Yes/No

Note: Issue order copy by 04.11.2022.

To

1. The Joint Commissioner,
Hindu Religious & Charitable Enforcement Department,
Thiruvanaikovil,
Trichy - 5.
2. The Assistant Commissioner,
Hindu Religious & Charitable Enforcement Department,
Taluk Office Building,
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P.D. AUDIKESAVALU, J.

vjt

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