

IN THE COURT OF APPEALS OF TENNESSEE

EASTERN SECTION

FILED

January 6, 1997

Cecil Crowson, Jr.
Appellate Court Clerk

HERBERT CARSON BRANUM)	UNI ON COUNTY
)	03A01-9604-CH-00127
Plaintiff - Appellant)	
)	
v.)	HON. BILLY JOE WHITE,
)	CHANCELLOR
)	
CITY OF MAYNARDVILLE, PAUL)	
BOWMAN, BILL P. GRAVES,)	
RUSSELL GILLENWATER, LEN)	
PADGETT and H. E. RICHARDSON)	
)	
Defendants - Appellees)	AFFIRMED AND REMANDED

BYRON D. BRYANT OF KNOXVILLE FOR APPELLANT

JON G. ROACH OF KNOXVILLE FOR APPELLEES

O P I N I O N

Goddard, P. J.

Plaintiff Herbert Carson Branum appeals dismissal of his suit¹ against the City of Maynardville and its Commissioners, seeking reinstatement to his position as Water Commissioner and

¹ The case was dismissed at the conclusion of Mr. Branum's proof.

damages for his wrongful discharge, both compensatory and exemplary. He also seeks an order enjoining the Defendants "from any further ultra vires acts against the Plaintiff" based upon his contention that they had violated certain of our State Statutes.

The complaint in major part seeks relief under the Tennessee Governmental Tort Liability Act for which the Circuit Court of this State has exclusive jurisdiction. T. C. A. 29-20-307.² In light of this and the fact the suit was brought in the Chancery Court, it is necessary that we affirm dismissal of the case, not on the merits but because the Chancery Court lacks jurisdiction to hear it.

In conclusion, we recognize that some of the relief sought, such as an injunction against the City Commissioners, might properly be maintained in Chancery Court. However, we believe in the interest of justice to both parties, it is appropriate that all issues be tried together rather than bifurcated, which prompted the determination which we have reached.

² T. C. A. 29-20-307 as pertinent to this appeal provides the following:

29-20-307. Exclusive jurisdiction -- No jury. -- The circuit courts shall have exclusive original jurisdiction over any action brought under this chapter and shall hear and decide such suits without the intervention of a jury, . . .

For the foregoing reasons the judgment of the Trial Court, but not its reasoning, is affirmed and the cause remanded for collection of costs below, which are, as are costs of appeal, adjudged one-half against M. Branum and one-half against the Defendants.

Houston M. Goddard, P. J.

CONCUR:

Herschel P. Franks, J.

Don T. Murray, J.