



C.R.P. No. 4116 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 20.07.2026

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.R.P. No. 4116 of 2023

&

C.M.P. No. 25153 of 2023

M/s. Varma Constructions Pvt. Ltd.,
rep.by its Managing Director,
R. Vijayavarman,
Vijay Towers,
No.68, Kitchipalayam Main Road,
Rajarajan Nagar,
Salem Taluk and District.

..Petitioner

Vs.

1. V. Rajaram
2. The Director,
Directorate of Town and Country
Planning,
2nd, 3rd and 4th Floor,
C & E Market Road,
Koyambedu, Chennai – 600 107.
3. The Deputy Director,
District Town and Country Plannint
Office,
No.6, Sannadhi Street,
Subramaniya Nagar, Suramangalam,
Salem District – 636 005.



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4. The Commissioner,
Salem Corporation,
Salem District – 636 001.

5. The Sub Registrar,
No.1, Salem West,
District Collector Office Campus,
Salem – 636 001.

..Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to strike off the plaint in O.S. No. 723 of 2023 on the file of Sub Judge, Salem, Salem District.

For Petitioner :: Mr.C. Prakasam

For Respondents :: Mr.V. Balakrishnan
Govt. Advocate for
R2 to R6

ORDER

This civil revision petition has been filed under Article 227 of the Constitution of India to strike off the plaint filed in O.S. No. 723 of 2023 on the file of Sub Court, Salem.

2. The petitioner seeks for the aforesaid relief on the ground that the suit filed by the 1st respondent herein/plaintiff in O.S. No. 723/2023 on the file of Sub Court, Salem is an abuse of process of law.

3. Admittedly, there is no prohibition for the petitioner to file an application under Order VII Rule 11 CPC seeking for rejection of



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plaint in O.S. N. 723 of 2023. Without exhausting the alternative remedy under the Code of Civil Procedure, the petitioner has filed this civil revision petition.

4. The law is now well-settled in the light of the judgment of the Hon'ble Supreme Court in the case of ***P.Suresh V. D. Kalaivani and others*** reported in (2026) SCC Online SC 143 wherein it was held that when there is an alternative remedy available under Order VII Rule 11 CPC seeking for rejection of plaint, for the same cause of action, filing this civil revision petition under Article 227 of the Constitution of India is not maintainable. The Hon'ble Supreme Court has categorically held in the aforesaid decision that the High Court should not only discourage, but also desist from exercising jurisdiction under Article 227 of the Constitution of India in respect of a challenge for which separate, distinct and specific remedy or statutory provision is available under the statute concerned. Availability of an alternative civil remedy and/or under the Code of Civil Procedure shall be treated as complete and near total bar on the High Court to venture to invoke and exercise its power available under Article 227 of the Constitution of India.



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ABDUL QUDDHOSE,J.

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5. In the instant case, it is not in dispute that the petitioner is having an alternative remedy of approaching the Trial Court by filing an application under Order VII Rule 11 CPC seeking for rejection of plaint in respect of the very same cause of action that has arisen for filing this civil revision petition.

6. In the light of the judgment of the Hon'ble Supreme Court, referred to supra, this civil revision petition is not maintainable and therefore, the same is disposed of by granting liberty to the petitioner to approach the Sub Court, Salem; file an application under Order VII Rule 11 CPC seeking for rejection of plaint and the Trial Court, on receipt of such an application, if any, filed by the petitioner, shall consider the same on merits and in accordance with law, as per the provisions of Order VII Rule 11 CPC. No costs. Connected C.M.P. is closed.

20.07.2026

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To
The Sub Court, Salem.

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