

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2026

CORAM :

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

REV.APLW.(MD)No.15 of 2014
and
M.P.(MD)No.1 of 2014

1.R.Kannan
2.V.Anbalagan
3.S.R.Janarthanan

... Applicants

Vs.

1.The Commissioner,
Tiruchirappalli City Corporation,
Bharathidasan Salai,
Cantonment, Trichirappalli.

2.The Assistant Commissioner,
(Ariyamangalam Zone),
Trichirappalli City Corporation,
Palakkarai Main Road,
Palakarai,
Tiruchirappalli-620 001.

3.The Member Secretary,
Local Planning Authority,
Willimas Road,
Near Sona Mina Theatre,
Tiruchirappalli.

4.V.Rajangam

... Respondents



PRAYER:- Review Application filed under Order XLVII Rule 1 of Code of Civil Procedure, to review the order dated 04.02.2014 passed in W.P.(MD)No. 1834 of 2014 on the file of this Court.

For Petitioners : Mr.P.Vinoth
for Mr.R.Subramanian
For Respondents : Mr.M.P.Senthil (R3)
Counsel for State
Mr.K.R.Kishore Ram (R1 & R2)
M/s.R.B.Law Associates

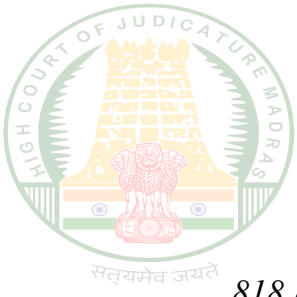
ORDER

(Order of the Court was made by **C.V. KARTHIKEYAN, J.**)

The petitioners are the review applicants. The following was the order in the writ petition:

The Prayer in the writ petition is to direct the respondents 1 to 3 to stop illegal construction that is being put by the fourth respondent in T.S.No.23/2 of Ariyamangalam Village, Tiruchirapalli District and in Door Nos.13/1A and 13/1B Thanjavur Main Road Ariyamangalam Village, Tiruchirappalli District and in Door Nos.13/1A and 13/1B, Thanjavur Main Road Ariyamangalam Village, Tiruchirappalli District, by demolishing the drainage line.

2.It is submitted by the learned Counsel appearing for the petitioners submitted that certain illegal unauthorised construction made by the fourth respondent.

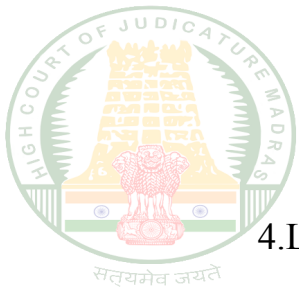


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3. We find from the typed set of papers that Original Suit in O.S.No. 818 of 2013 has been filed on the file of the Sub Court, Trichy and two of the petitioners are the plaintiffs therein and therefore, the petitioner cannot pursue two remedies. Even assuming that it is a case of alleged illegal unauthorised construction, the petitioners have to move one of the forums. At this stage, the writ petition is not maintainable. Hence, the writ petition stands dismissed. However, liberty is granted to the petitioners to move appropriate forum., no costs. Consequently, connected miscellaneous petition is closed.

2. It is now informed that the suit has been decreed on 12.07.2023.

3. The learned counsel for the review applicants stated that the relief sought in the suit is different from the relief sought in the writ petition. The suit was filed for mandatory injunction and demolition of illegal construction. The writ petition was with respect to the illegal construction and for removal of said illegal construction. The observation of the learned Single Judge was that the writ petitioner cannot seek relief in two separate forums. Even otherwise, if an appeal had been filed against decree in the suit, the relief in the suit can be suitably amended to include any such relief, so long as it does not disturb the cause of action. The cause of action is the alleged illegal construction, which in the suit for mandatory injunction had been stated.



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4. Leaving that issue open if the appeal is pending, and even otherwise the suit having been decreed, we are not prepared to keep the review application pending on the file of this Court.

5. The review application stands closed. No costs. Consequently, connected miscellaneous petition is closed.

[C.V.K, J.] [R.S.V, J.]
10.07.2026

Index : Yes / No
Neutral Citation : Yes / No
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**C.V. KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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