



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.05.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) No.8348 of 2015

and

M.P (MD) No.1 of 2015

P.Amarnath

...Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.Trichirappalli Municipal Corporation,
Rep. By its Commissioner,
Trichy.

3.The Tahsildar,
Srirangam Taluk,
Trichy District.

4.K.Saptha Rishi

...Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to forbear the 4th respondent from putting up construction in the Vaikkal situated on the western side of Plot No.18A, S.No.13/2 of Uyyakondanthirumalai Village, Trichy District without obtaining planning permission and building plan approval.

For Petitioner : Mr.R.Subramanian

For RR 1 to 3 : Mr.S.Chandrasekar

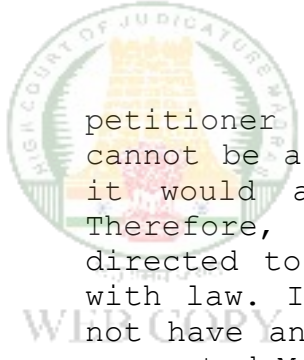
Government Advocate

ORDER

The present Writ Petition has been filed directing the second respondent to forbear the fourth respondent from putting up construction in the Vaikkal situated on the western side of Plot No.18A, S.No.13/2 of Uyyakondanthirumalai Village, Trichy District without obtaining planning permission and building plan approval.

2. The learned counsel appearing for the petitioner would submit that the petitioner having filed a civil suit seeking a decree for permanent injunction against the fifth respondent not to put up any construction on the Vaikkal, finding no useful relief from the pending suit, has been compelled to come this Court with this Writ Petition for the same relief.

3. The above contention cannot be entertained by this Court, since for the very same prayer, the petitioner's suit has been pending on the file of the District Munsif Court, Tiruchirappalli. It is well settled legal position that no court can entertain two parallel proceedings since that would cause multiplicity of proceedings and also lead to wastage of the precious time of the Court. Admittedly, in the present case, the



petitioner who has gone before the civil court for the same relief, cannot be allowed to come to this Court by filing this writ petition, as it would amount to forum shopping, which is impermissible in law. Therefore, the Writ Petition fails and the same is dismissed and he is directed to approach the civil Court to pursue the remedy in accordance with law. It is made clear that the dismissal of the Writ Petition will not have any bearing on the pending civil suit. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Crl.side)/
Vacation Officer

/True copy/

Sub Assistant Registrar

To

1.The District Collector,
Trichy District,
Trichy.

2.The Commissioner,
Trichirappalli Muncipal Corporation,
Trichy.

3.The Tahsildar,
Srirangam Taluk,
Trichy District.

4.The District Munsif,
District Munsif Court,
Tiruchirappalli.

+1CC to M/s.R.Subramanian, Advocate in SR.25818

W.P (MD) No.8348 of 2015
20.05.2015

ps

PBK/AMF 01/06/2015 ::2P-6C: