



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

REV.APLW(MD).No.48 of 2017

1.Kalidas
2.Senthamizh Selvan : Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Divisional Engineer (H),
Construction & Maintenance,
Highway Department, Virudhunagar.

3.The Executive Officer,
Kariyapatti Town Panchayat,
Kariyapatti, Virudhunagar District. : Respondents

Prayer : Petition filed under Section 114 & Order XL VII Rule 1 and 2 of C.P.C., may be pleased to review the Order in W.P.(MD). No.14495 of 2015, dated 24.07.2017.

Prayer in WP(MD). 14495/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 1st and 2nd respondent to take immediate action in furtherance of the communication by the 2nd respondent dated 15.06.2015 in Ka.No.1486/2015/A3 and to demolish the illegal construction put up by the 3rd respondent in violation of the plan dated 12.12.2014 on the Highway margin on Tuticorin-Madurai Highway.

For Petitioner : Mr.S.Natarajan

For Respondents : Mr.T.S.Md..Mohideen

Additional Government Pleader

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The petitioner herein seeks review of the order dated 24.07.2017 made in W.P.(MD).No.14495 of 2015. The petitioner herein filed the said writ petition for demolishing the illegal construction put up by the third respondent on the Highway margin on Tuticorin-Madurai Highway. After hearing



the learned counsel for the writ petitioner as well as the respondents, this Court dismissed the above said writ petition.

2. We had taken note of the report submitted by the Advocate Commissioner which was to the effect that the third respondent / Kariyapatti Town Panchayat, had put up the bus shelter in deviation of the sanctioned plan. We noted that the writ petitioner herein had already filed a civil suit in O.S.No.69 of 2015, before the District Munsif Court, Aruppukottai, for the very same relief that is now prayed before us. That the structure in question is a bus shelter which provides relief to the general public was in our mind. After taking note of the entire factual matrix, we chose to dismiss the writ petition by order dated 24.07.2017. There is absolutely no error apparent on the face of it.

3. The learned counsel for the writ petitioner raised the contentions which were already projected in the writ petition. We had taken note of the same. When the petitioner herein had already initiated a civil suit in respect of the subject construction, he can very well pursue the same and there is no need for launching a parallel litigation by invoking Article 226 of the Constitution of India. If the writ petitioner is still aggrieved by the order dismissing the writ petition, his remedy is elsewhere. The scope of the review jurisdiction is well known and limited. The present review petition does not fall within those parameters. We find no merit in this review petition. It stands dismissed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To

1. The District Collector, Virudhunagar District, Virudhunagar.

2. The Divisional Engineer (H), Construction & Maintenance,
Highway Department, Virudhunagar.

3. The Executive Officer, Kariyapatti Town Panchayat,
Kariyapatti, Virudhunagar District.

+1CC to Mr.S.Natarajan, Advocate, SR.No.78851

+1CC to Mr.T.S.Mohammed Mohidheen, Advocate, SR.No.78913

Order made in
REV.APLW(MD).No.48 of 2017

14.09.2017