



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

CRP(MD)No.2045 of 2019

and CMP(MD)No.10507 of 2019

WEB COPY

V.Sankaran

... Petitioner/Plaintiff
versus

1. R.Udhayakumar

2. The Commissioner,
Tiruchirappalli City Corporation,
Bharathidasan Salai, Cantonment,
Trichy - 620 001.

3. The Assistant Commissioner,
Tiruchirappalli City Corporation,
Srirangam Zone,
Srirangam, Trichy - 620 006. ... Respondents/Defendants

Civil Revision Petition filed under Article 227 of Constitution of India, to call for the records pertaining to the order dated 20.08.2019 passed in unnumbered suit filed in O.S.SR.No.2437 of 2019 by the Principal Subordinate Court, Tiruchirappalli, set aside the same and to direct the Principal Subordinate Court, Tiruchirappalli, to number the suit filed in O.S.SR.No.2437 of 2019 and dispose of it in accordance with law.

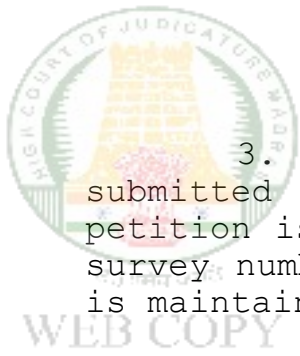
For Petitioner : M/s.M.Dinesh Hari Sundarsan

ORDER

This Civil Revision Petition has been filed against the return of O.S.SR.No.2437 of 2019 by the Principal Subordinate Court, Tiruchirappalli.

2. The revision petitioner filed a suit before the Court below, for permanent injunction. But, the Court below, by order dated 20.08.2019, rejected the same stating that as per the order of this Court, in W.P.(MD)No.4306 of 2019 and WMP(MD)No.3421 of 2019 dated 27.03.2019, the Court has no jurisdiction and though the relief of the plaint is for declaration, yet, it will not attract at this stage before the Court, as there is a specific direction in the above suit. Aggrieved over the same, the present Civil Revision

<https://hccserved.com/ma/bcserve> Petitioner's counsel has been filed.



3. The learned counsel appearing for the revision petitioner submitted that the subject matter of the property in the writ petition is T.S.No.1349 and 1350/1A. But, in the present suit, the survey number is entirely different. Therefore, the present suit is maintainable before the Court below.

4. On perusal of the records, it is seen that the survey number in the present suit is entirely different from that of the subject property of the writ petition. Therefore, the order passed by this Court in W.P.(MD)No.4306 of 2019 would not be a bar for the revision petitioner to file the present suit. Therefore, this Court directs the Principal Subordinate Court, Tiruchirappalli, to number the suit and decide the same on merits and in accordance with law.

5. With the above direction, the Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

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To

The Principal Subordinate Court,
Tiruchirappalli.

Copy to: The Section Officer,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.DINESH HARI SUDHARSAN, Advocate (SR-98252[F] dated 14/11/2019)

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14.11.2019

KK/SAR/13.12.2019/2P-5C/