

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE R.MAHADEVAN

W.P.No.29939 of 2012

A.Abdul Sukkur ... Petitioner
vs.

1. The Director of Municipal Administration
Chepauk, Chennai - 5.

2. The Regional Director of Municipal
Administration (RDMA)
Kakithapattarai, Sarathy Nagar
Sathuvacherry, Vellore.

3. The Commissioner
Office of the Commissioner of
Arakkonam Municipality
Arakkonam Town, Arakkonam.

4. Moorthy

5. Lakshmi

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 3rd respondent to remove the unauthorized construction by the 4th and 5th respondents by way of encroachment in Door No.10/2, S.No.315/1 Pt. Pole Naicken Lane and Street, under Arakkonam Municipality by violating the order of the 3rd respondent proceedings in Na.Ka.2654/12/F1, dated 24.9.2012.

For Petitioner

: No appearance

For Respondents

: Mr.R.Vijayakumar

Addl. Government Pleader
for respondents 1 to 3

Mr.G.Jermiah

for respondents 4 and 5

ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The petitioner filed an earlier writ petition No.23275 of 2012 with an identical prayer which was dismissed on 28.2.2012, as the petitioner, in effect, in a private dispute was seeking to enforce the decree of injunction passed in a suit. The Division Bench opined that the petitioner has chosen a wrong forum for enforcement of a decree.

2. This is the second petition for the same relief, when it is quite obvious that the remedy of the petitioner lay by execution of the decree.

The petition is dismissed. No costs. Consequently, M.P.No.1 of 2012 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

1. The Director of Municipal Administration
Chepauk, Chennai - 5.
2. The Regional Director of Municipal
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Kakithapattarai, Sarathy Nagar
Sathuvacherry, Vellore.
3. The Commissioner
Office of the Commissioner of
Arakkonam Municipality
Arakkonam Town, Arakkonam.

+1cc to Mr.B. Nembiselvan, Advocate, S.R.No.69137

+1cc to Mr.S. Ravendran, Advocate, S.R.No.68665

kgk(CO)
md(05/12/2016)

W.P.No.29939 of 2012