

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.05.2018

CORAM

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.11475 of 2018

and

WMP No.13398 of 2018

S.Rathi

...Petitioner

. Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Commissioner,
Thiruvallur Municipality,
Thiruvallur.
3. Tamil Nadu Electricity Board (UNEB),
Thiruvallur Town,
Thiruvallur Taluk,
Thiruvallur.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, forbearing the respondents or any authority or third party to restrict the petitioner from using the common bore well in Survey No.261/27 at Periya Edapalayam Village, Thiruvallur District.

For Petitioner : M/s.Kavitha Deenadayalan

For Respondents : Mr.V.Kadhirvelu for R1 & R2
Special Government Pleader

ORDER

This petition seeking mandamus to direct the authorities and third party forbearing the petitioner from using the common bore well situated in Thiruvallur District.

2.From the affidavit and typed set of papers, this Court finds that Civil Suit has been filed and pursuant to the decree passed in the suit, execution of the decree has also been filed. Since it is purely a civil dispute and the competent Court has passed a decree even without impleading the person who obtained the decree, the writ petition is filed seeking order adverse to the decree holder. Hence, the writ petition stands dismissed for the reason that the decree passed by the Civil Court need not be interfered under Article 226 of the Constitution of India, and in addition, the person who obtained decree, is not a party in the present writ petition.

3.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar/Vacation Officer

//True Copy//

Sub Assistant Registrar

KP/RPL

To

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Commissioner,
Thiruvallur Municipality, Thiruvallur.
3. Tamil Nadu Electricity Board (UNEB),
Thiruvallur Town, Thiruvallur Taluk,
Thiruvallur.

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SSD(CO)
CS/07/05/18