

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.19714 of 2015

Mariadassou Philomene
Dominique Marie Anthoinette W/o.Jesudoss
Arokiasamy Rep. by her Poer Agent
Mrs. Jesudoss Arokiasamy ,
No.93 Montorsier Street,
Puducherry. Petitioner

Vs

- 1 Member Secretary
Town Country Planning
Board Town and
Country Planning Department,
Government of Puducherry,
Puducherry.
- 2 The Member Secretary
Puducherry Planning Authority,
Jawahar Nagar,
Bomianmpet, Puducherry.
- 3 Tmt. Fancis Marie
Philomen Veronique Shanguina,
Rep. by Power Agent Francis
Arsene Jocelyn,
No.89 Kandappa Street,
Puducherry ... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of Mandamus directing the 2nd respondent to demolish the deviated building constructed by the 3rd respondent at Door No.91, Montorsier Street, Puducherry (at T.S.No. 169, R.S.No. 239 Pt. Old No.55, Ward-D, Block No.13) in pursuance to the proceedings dated 16.4.2015.

For petitioner : Mr. S. P. Sudalaiyandi
For respondents : Mrs. N. Mala
Addl.Govt.Pleader (Pondy)

O R D E R

(Order of the Court was made by SATISH K. AGNIHOTRI,J.)

This writ petition is filed seeking a direction to the second respondent to demolish the deviated building constructed by the 3rd respondent at Door No.91, Montorsier Street, Puducherry (at T.S.No. 169, R.S.No. 239 Pt. Old No.55, Ward-D, Block No.13) in pursuance to the proceedings dated 16.4.2015.

2. Earlier, the petitioner has approached this Court in W.P. Nos.31266 of 2014 and 2108 of 2015, seeking the following relief:-

W.P. No.31266 of 2014:

"a direction to the second respondent to demolish the deviated building constructed by the third respondent at Door No. 91, Montorsier Street, Puducherry (at T.S.No. 169, R.S.No. 239 Pt.Old No.55, Ward-D, Block No.13) in pursuance to the notice of the second respondent dated 15.04.2011, 29.11.2013 and 06.01.2014".

W.P. No.2108 of 2015:

"calling for the records relating to the lock and sealing order passed by the first respondent in Ref.No.6100/TCP/Board/J(D)/ 2014/1754, dated 19.09.2014, consequential order No. 2554 PPA/SB/4/2014/5325 dated 10.12.2014 issued by the second respondent to the petitioners' premises and quash the same and consequently, to direct the respondents to remove the lock and seal made to the petitioners premises bearing old Doo No.55, New Door No.91, Montorsier Street, Puducherry.1."

3. The above said writ petitions were disposed of by a common order dated 3rd March 2015 with the following directions:

"8. In view of the categorical stand taken by the Respondents 1 and 2 in their counter to the Writ Petitions in para 11 to the effect that "Puducherry Planning Authority had proposed to seal the entrance gates of the premises in issue on 17.12.2014 at 10 a.m. and in this regard, Puducherry Planning Authority served notice to the Third Respondent/Second Petitioner in W.P.No.2108/2015 on 10.12.2014 through registered post with acknowledgement due for sealing the building, with a direction to unlock the building before 17.12.2014 so as to seal the premises, as per the direction of the Town and

Country Planning Board etc., and further, inasmuch as the Third Respondent/Second Petitioner in W.P.2108/2015 had failed to comply with the direction of the Puducherry Planning Authority and as such, the said authority sent letters to the Superintendent of Police (North) and the District Collector on 15.12.2014 to depute officers to proceed with the sealing of the said premises and also, this Court taking note of the averments made by the Respondents 1 and 2 in para 12 of their counter that 'entire four storied building has been completed by the Third Respondent/Second Petitioner in W.P.2108/2015 and not yet occupied and also two entrance gates of the premises were locked. Therefore, entrance gates of the premises were sealed by the Puducherry Planning Authority on 17.12.2014 and further, the building owner as and when comes forward to enable the Planning Authority to have access to seal the topmost floors and the same would be sealed, as per the direction of the First Respondent. This Court records the said stand of the Respondents 1 and 2 and directs them to take a pragmatic, purposeful, meaningful and result oriented consequent follow up action in an effective, efficacious and expeditious fashion within a period of two weeks from the date of receipt of copy of this order."

4. Thereafter, the petitioner filed a contempt petition being Cont.P.No.1049 of 2015, which was disposed of on 3rd July, 2015 on submission of the report that the building in question has been locked and sealed. The only remaining action to be taken is demolition, which has to be done in accordance with law.

5. The attempt of the petitioner seems to be to settle her personal score with the third respondent. The petitioner has no interest in observance of legal requirements, particularly, when the authorities have taken necessary action by locking and sealing of the premises to put into disuse of the same, what purpose would be achieved by demolition of the building, is known to the petitioner only. We deprecate this practice of filing petition after petition for the same relief, which is tantamount to misuse of judicial process without any rhyme or reason.

6. Accordingly, this writ petition is dismissed summarily. Consequently, M.P. No. 1 of 2015 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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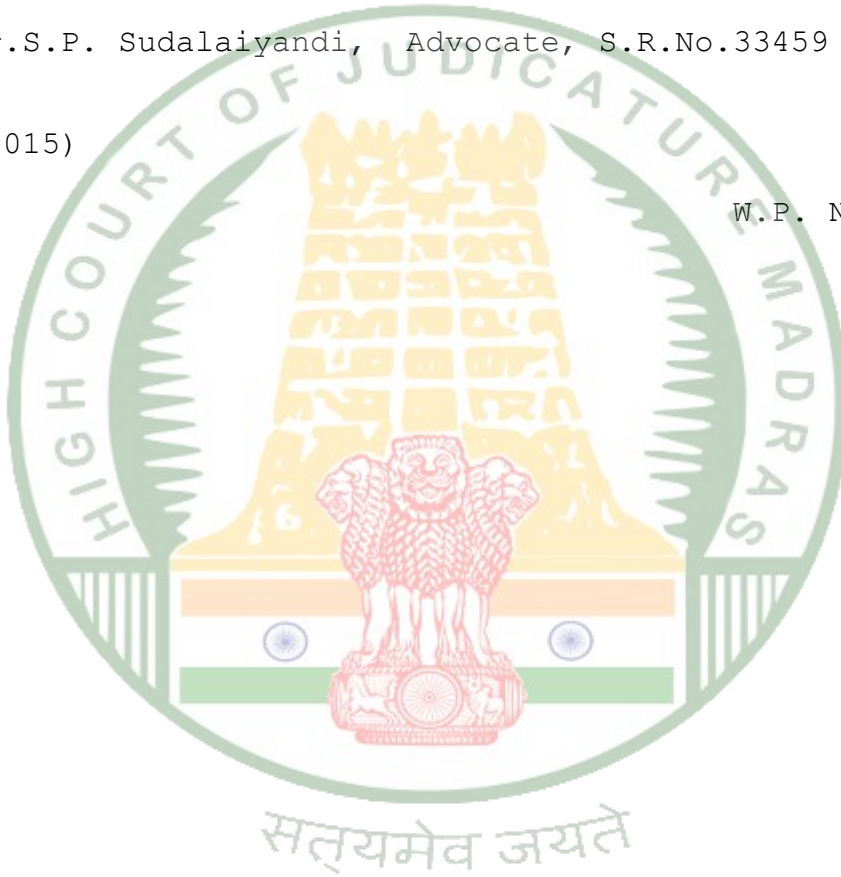
To

- 1 Member Secretary
Town Country Planning Board Town and
Country Planning Department,
Government of Puducherry, Puducherry.
- 2 The Member Secretary
Puducherry Planning Authority, Jawahar Nagar,
Bomianmpet, Puducherry.

+lcc to Mr.S.P. Sudalaiyandi, Advocate, S.R.No.33459

BVR(CO)
EU(16/07/2015)

W.P. No.19714 of 2015



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