

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2015

CORAM:

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

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.39542 of 2015 and M.P. No.1 of 2015

N. Varadarasu

Petitioner

vs.

1 The Member Secretary
Puducherry Planning Authority
Jawahar Nagar
Bhoomianpet
Puducherry

2 The Municipal Commissioner
Oulgaret Municipality
Puducherry

3 The Inspector of Police
Danvandri Nagar
Korimedu Police Station
Puducherry

4 The Commissioner
Hindu Religious Institutions
Puducherry

5 N. Deivasigamani

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to effectively exercise the power by stopping the unauthorised construction with reference to the proceedings No.6663/3/PDA/2(s) violation/5704 dated 02.11.2015 with the help of the third respondent herein, without any further delay within the stipulated period prescribed by this Court, by strictly complying with the statutory provisions of Puducherry Town and Country Planning Act, 1969.

For petitioner Mr. G. Thangavel

For RR 1-4

Mr. M.Govindaraj
Government Advocate (Puducherry)

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. M. Govindaraj, learned Government Advocate (Puducherry), accepts notice for respondents 1 to 4. Notice to the fifth respondent is dispensed with at this stage, inasmuch as no adverse order is passed against him in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Advocate, the writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner, stated to be residing in the neighbourhood of the property in question, viz., the property in R.S. No.127/2 pt, Sinnayanpet, Saram Revenue Village, Oulgaret Municipality, Puducherry, has preferred this writ petition, seeking a direction to the first respondent to stop the unauthorised construction, in pursuance of his proceedings dated 02 November 2015, allegedly made by the fifth respondent.

3 On a perusal of the papers, pleadings and documents appended thereto, it is noticed that without considering the petitioner's earlier representation dated 08 October 2015, a notice was issued by the first respondent, viz., the Member Secretary, Puducherry Planning Authority, calling upon the Commissioner, Oulgaret Municipality, being the Estate Officer, to initiate necessary action to ascertain the encroachment, if any, on public space over the Government land / road side land vested with the said Municipality.

4 According to the learned counsel for the petitioner, after two weeks, a further representation was made alleging that the said unauthorised construction is being continued relentlessly sans proper approval.

5 Mr.M.Govindaraj, learned Government Advocate (Puducherry) submits that the first respondent is seized of the matter as the Oulgaret Municipality is directed to submit a report, which is likely to be submitted in a day or two and consequential action shall be taken thereafter, at once and if there is any unauthorised construction or encroachment, as alleged by the petitioner, the same shall be removed in accordance with law within a period of six weeks.

6 In view of the above submission of the learned Government Advocate (Puducherry), it is ordered accordingly.

The writ petition stands disposed of accordingly. No costs.
Connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The Member Secretary
Puducherry Planning Authority
Jawahar Nagar
Bhoomianpet, Puducherry
- 2 The Municipal Commissioner
Oulgaret Municipality, Puducherry
- 3 The Inspector of Police
Danvandri Nagar
Korimedu Police Station, Puducherry
- 4 The Commissioner
Hindu Religious Institutions
Puducherry

1 cc to Mr.G.Thangavel, Advocate, Sr. 67688

W.P. No.39542 of 2015

RV (CO)
kk 4/1

सत्यमेव जयते

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