

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2016

CORAM:

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE Mr. JUSTICE V. BHARATHIDASAN

W.P. No.13586 of 2016

R. Ramesh

Petitioner

vs.

1 The Secretary to Government (Housing)
Secretariat, Pudhucherry

2 The Member Secretary
Pudhucherry Planning Authority
Pudhucherry

3 M. Thamizhselvam

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to consider the petitioner's representation dated 15.03.2016 to initiate immediate action against the building violation and deviation made by the third respondent in R.S. No.155/5/Bpt & 155/5/C, Door No.29, Jeeva Street, Shanmugapuram, Thattanchavady Revenue Village, Oulgaret Municipality, Puducherry under the Puducherry Building Bye-Laws and Zoning Regulations, 2012.

For petitioner Mr. R. Amardeep

For RR 1 & 2 Mr. M. Govindaraj
Government Pleader - Pudhucherry

ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr. M. Govindaraj, learned Government Pleader (Pudhucherry), accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to his interest is passed in this writ petition. Thus, with the consent of the learned counsel for the petitioner and the learned Government Pleader appearing for respondents 1

and 2, this writ petition is taken up for final disposal, at the admission stage itself.

2 The petitioner is stated to be a resident of Jeeva Street, Shanmugapuram, Pudhucherry. According to him, the adjacent property in Door No.29 is an ancestral undivided property in respect of which, his father, joining hands with three others, has filed a civil suit in O.S. No.77 of 2015 on the file of the Principal District Court, Puducherry seeking the reliefs of equitable partition and separate possession of the suit property and also permanent injunction restraining the defendants from alienating or encumbering the suit property. Thus, when the matter is sub judice before the Civil Court, the third respondent started carrying out construction in the property in question, in violation of the planning permit given by the second respondent. Hence, the petitioner addressed a representation dated 15 March 2016 to the second respondent seeking immediate action against the third respondent for construction of building in gross violation of the planning permit. Finding no action on the said representation, the petitioner has come up with the instant writ petition seeking a writ of mandamus directing the second respondent to consider his representation dated 15 March 2016 and initiate immediate action against the building violation and deviation, allegedly made by the third respondent in the property in question.

3 Considering the limited scope of the relief sought by the petitioner and since the issue involved herein is construction in accordance with Puducherry Building Bye-Laws and Zoning Regulations, 2012, we direct the second respondent to examine the petitioner's representation dated 15 March 2016 on its own merits and in accordance with law and take necessary action, if need be, after giving an opportunity of hearing to the third respondent. The entire exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

The writ petition stands disposed of with the above direction and observation. Costs made easy.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1 The Secretary to Government (Housing,
Secretariat, Pudhucherry.

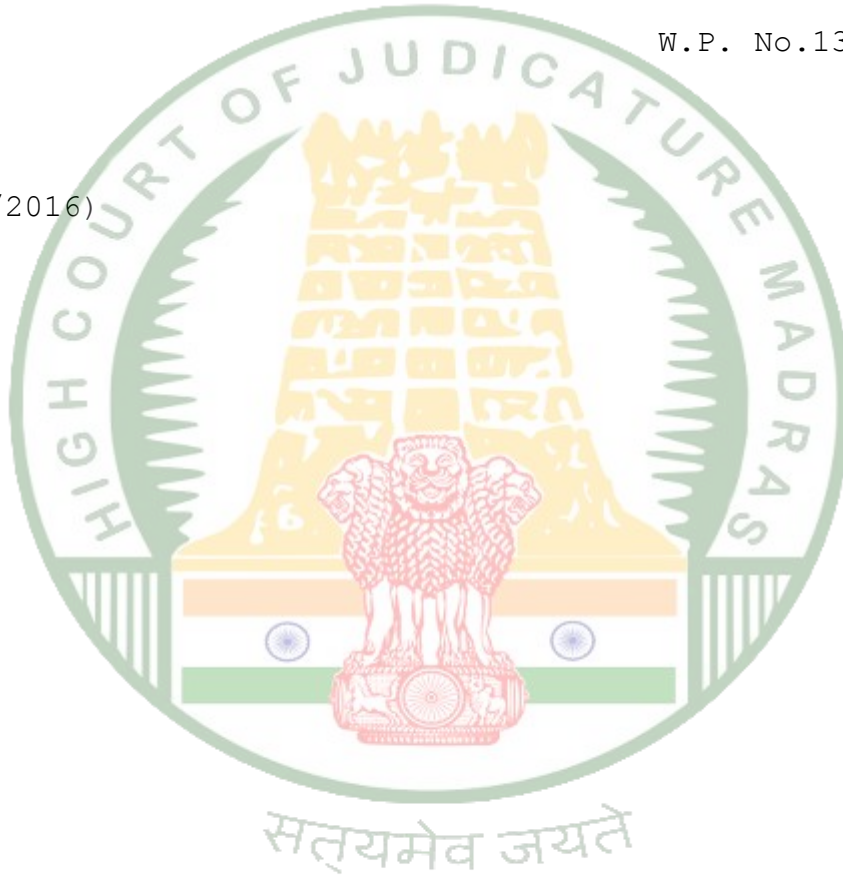
2 The Member Secretary,
Pudhucherry Planning Authority,
Pudhucherry.

+1cc to M/S.Tamil Law Firm, Advocate sr.23015

+1cc to the Government Pleader Puducherry, Sr.23493

W.P. No.13586 of 2016

rsy(CO)
srg(29/04/2016)



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