

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.07.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice R.MAHADEVAN

W.P.No.14729 of 2015

S.Sridhar

... Petitioner

Versus

1.The Member Secretary,
Puducherry Planning Authority
Jawahar Nagar, Boomlanpet,
Puducherry.

2.The Member Secretary,
Coastal Zone Management Authority
Puducherry.

3.M/s.Auberge Hotel Private Limited (Promonde Hotel)
rep. by its Managing Director,
Beach Road,
Puducherry.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Mandamus, directing the respondents 1 and 2 to take appropriate and necessary action against the 3rd respondent's illegal and unauthorised construction made in the name of M/s.Auberge Hotel Private Limited (Promonade Hotel) situated at Junction of Coubert Avenue and Campagine Street, Puducherry in compliance of the notice dated 24.10.2014 issued by the 1st respondent to 3rd respondent, in the light of the information furnished under RTI Act, by the office of the 1st respondent on 13.03.2015 and within a reasonable period.

For Petitioner ::: Mr.K.Gandhikumar

For Respondents ::: Mr.T.Manoharan
Senior Counsel
for Mr.T.M.Naveen for R.3
R.1 and R.2 - no appearance

O R D E R

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

The prayer in this writ petition filed by a person claiming to be the President of the local unit of the party in Puducherry, seeks action in pursuance to a Government notice issued to the third respondent.

2. The fact that the authorities have issued notice itself would show that they are aware of the issue at hand and it does not need the assistance of the petitioner to take action. The notice is stated to be a subject matter of appeal by the third respondent and the notice is stated to have no effect till the appeal is decided in view of the provisions of Section 44 Sub-section 3(i) of Pondicherry Town and Country Planning Act, 1969.

3. We are not inclined to entertain this petition as a Public Interest Litigation.

The writ petition stands dismissed, leaving the parties to bear their own costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ksr

To

1.The Member Secretary,
Puducherry Planning Authority
Jawahar Nagar, Boomlanpet, Puducherry.

2.The Member Secretary,
Coastal Zone Management Authority
Puducherry.

1 cc to Mr.K.Gandhikumar, Advocate, sr.38380

1 cc to Mr.K.P.Jotheeswaran, Advocate, sr.38773

1 cc to The Government Pleader, (Puducherry), sr.38409

W.P.No.14729 of 2015

rj co

kra 23.07.2016