

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.7432 of 2010

and

M.P.No.1 of 2010

C.Rama Kowmudi

.. Petitioner

-vs-

1.The Member Secretary,
Pondicherry Planning Authority,
Jawahar Nagar,
Puducherry-605 005.

2.Thomas

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus directing the first respondent to forbear the second respondent from construction additional floors illegally without planning permission from the first respondent in the premises at New Door No.7, Old No.9, Calve Subbraya Chettiar street, Puducherry, above the first floor of the rear portion of the apartments.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.D.Ravichander for R2

R1 - Not appeared

ORDER

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

The allegation of the petitioner is that the first respondent was not taking action against the unauthorised construction by the second respondent in respect of the additional floors without obtaining the planning permission from the first respondent in respect of the premises at New Door No.7, Old No.9, Calve Subbraya Chettiar street, Puducherry. It is the case of the petitioner that the property was developed

and flats already sold with undivided share in the land and thus, no land area remains for any share to be allotted for any further construction.

2. We are of the view that in so far as the undivided share in the land is concerned, the petitioner's share cannot be diluted by adding any construction.

3. On the aspect of the construction allegedly without planning permission, it is the first respondent, which will have to examine the issue and if unauthorised construction is found, take action in accordance with law, after inspection and notice to all concerned. This exercise be completed within a maximum period of three months of the receipt of the copy of this order.

4. The writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2010 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

bbr

To

The Member Secretary,
Pondicherry Planning Authority,
Jawahar Nagar,
Puducherry-605 005.

+1cc to Mr. D. Ravichandran, Advocate, S.R.No.63644
+1cc to Mr.P. Sreedhar, Advocate, S.R.No.63576

nmi (CO)
md (14/11/2016)

W.P.No.7432 of 2010