

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2017

CORAM

THE HON'BLE MR.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE
AND
THE HON'BLE MR. JUSTICE RMT. TEEKAA RAMAN

W.P.No.6173 of 2017

Cannammai Apartment Flat Owners
Welfare Association
Reg. under Societies Registration Act, 1860
S.No.340 of 2013, Rep. by Secretary. V.Sukumar
No.1, 7th Cross Street, Brindavan
Puducherry- 605 013. ... Petitioner

Vs.

- 1 The Union Territory of Puducherry
Rep. by the Member Secretary
Puducherry Planning Authority
Jawahar Nagar, Boomianpet
Puducherry.
- 2 C.Sittaramane ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus directing the 1st respondent to take appropriate action against the 2nd respondent pursuant to the show cause notice issued to the 2nd respondent by the 1st respondent vide the proceedings No.1076/PPA/Z(4)/SB/2016/3279, dated 22.07.2016.

For Petitioner : Mr.A.R.Suresh

For Respondents : Ms.D.Reena Iyswarya
Addl. Government Pleader
(Puducherry)

ORDER

(Order of the Court was made by the Acting Chief Justice)

Ms.D.Reena Iyswarya, learned Additional Government Pleader (Puducherry) takes notice for the first respondent.

2. The petitioner has filed this writ petition seeking issuance of a writ of Mandamus directing the 1st respondent to take appropriate action against the 2nd respondent pursuant to the show cause notice issued to the 2nd respondent by the 1st respondent vide the proceedings No.1076/PPA/Z(4)/SB/2016/3279, dated 22.07.2016.

3. It is the case of the petitioner that the second respondent in gross violation of the approved building plan, constructed 36 dwelling units as against the planning permission accorded for construction of 29 dwelling units. The members of the petitioner/ association are purchasers of the flats in the said building. It is alleged that despite several requests made to the second respondent, he did not take any steps to remove the unauthorized construction. The representation of the petitioner was considered by the first respondent, who, after inspection, issued notice dated 22.7.2016 to the second respondent listing out the deviations. However, it is alleged that the first respondent has not chosen to take any further action and the second respondent has not taken any steps to remove the unauthorized construction. Hence, the present writ petition.

4. On hearing the learned counsel for the parties, we observe that it is for the second respondent to remove the unauthorized construction or rectify the deviations and submit a revised building plan to the first respondent for its approval. It is also not known as to whether the second respondent has filed any appeal against such notice issued to him. However, we make it clear that this order shall not preclude the first respondent from proceeding in accordance with law against the second respondent in case violations exist.

The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

The Member Secretary
Union Territory of Puducherry
Puducherry Planning Authority
Jawahar Nagar, Boomianpet Puducherry.

+1 cc to Govt.Pleader,sr.16331

+1 cc to M/s.A.R.Suresh,advocate,sr.16193.

sai(co)

krd 27/3

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