

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2017

CORAM :

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

W.P.No.9358 of 2014
and
M.P.No.1 of 2014

B.J.Wilson

... Petitioner

-Vs-

1. The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar, Boomiyampetti,
Puducherry.
2. The Inspector of Police,
Orlenpet Police Station,
Puducherry.
3. The Public Information Officer,
Planning Authority,
Puducherry 605 005.
4. Jayachitra

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 1 to 3 to take action against the 4th respondent for violating the regulatory Rules of Puducherry Planning Authority and to protect the petitioner's property from damage and trespass by the 4th respondent's men engaged in the construction work at Plot No.93, Main Road, Tirumal Nagar, Kosappalayam, Puducherry-13.

For Petitioner : Mr.A.Arulmozhi

For Respondents : No appearance for R-1
: Mr.C.Ramesh
Additional Government Pleader
(Puducherry) for RR 2 & 3
: Mr.V.J.Arul Raj for R-4

O R D E R

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

The grievance of the petitioner against his neighbour fourth respondent is that the construction has been made on Plot No.93, Main Road, Thirumal Nagar, Kosappalaam, Puducherry, in violation of the planning permission and without adhering to the side space between the houses, which has caused inconvenience to the petitioner. The representation made to the first respondent on 18.11.2013 and the complaint made to the second respondent on 18.11.2013 have remained unanswered. It is also the fate of the last representation dated 10.12.2013 made to the first respondent.

2. On our query, learned counsel for the fourth respondent states that there may be some violations from the planning permission, but that the fourth respondent applied for regularisation on 15.04.2014 and the same is stated to be still pending.

3. We direct that the application for regularisation by the fourth respondent be disposed of within a maximum period of one (1) month from the date of receipt of the order. Dependent on the fate of the application, if regularisation does not take place, the fourth respondent will be called upon to remedy the position within one (1) month from the date of the order, whereafter an inspection shall be caused of the premises of the fourth respondent to verify the fact and in case, the rectification has not been carried out by the fourth respondent, action in accordance with law will be taken by the authorities concerned against the fourth respondent and concluded within a maximum period of two (2) months thereafter.

Writ petition, accordingly, stands disposed of. No costs. Consequently, M.P.No.1 of 2014 stands closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

sra

To

1. The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar, Boomiyampatti,
Puducherry.
2. The Inspector of Police,
Orlenpet Police Station,
Puducherry.
3. The Public Information Officer,
Planning Authority,
Puducherry 605 005.

+2cc's to Mr.A.Arulmozhi, Advocate, S.R.No.5852
+1cc to Mr.V.J.Arul Raj, Advocate, S.R.No.5841
+1cc to the Government Pleader(Puducherry), S.R.No.6265

W.P.No.9358 of 2014

NRJK(CO)
CA(08/02/2017)



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