

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P. No.40799 of 2016

and

W.M.P.No.271 of 2018

Elephant G.Rajendran

.. Petitioner in Person

-vs-

1.The Chief Secretary,  
Govt. of Puducherry,  
Chief Secretariat, Puducherry.

2.The Secretary to Government,  
Town Planning Department,  
Chief Secretariat, Puducherry.

3.The District Registrar,  
Registration Department,  
Saram, Puducherry.

4.Karaikkal Real Estate Owners Association  
(Regn.No.396/17) Rep. by its President,  
D.Anandan.

(R-4 impleaded as per Court Order dated  
08.01.2018 in W.M.P.No.26439 of 2017)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to forbear the respondents 1 and 2 from giving approval or building planning permission to convert the agricultural land into layouts.

For Petitioner : No appearance

For Respondents : Mr.V.T.Gopalan, Sr. Counsel  
for M/s.K.R.Harin  
Addl.G.P. (P) for RR 1 to 3  
: Mr.N.A.Nissar Ahamed for R-4

O R D E R

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

This writ petition by way of public interest litigation has been filed seeking orders in the nature of writ of mandamus restraining respondent nos.1 and 2, that is, the Chief Secretary to Government of Puducherry and the Secretary to the Government of Puducherry, Town and Country Planning Department, from giving approval for conversion of agricultural land into layouts or from giving building permission by conversion of agricultural land into layouts.

2.It is the case of the petitioner that agriculture in the Union Territory of Puducherry is going from bad to worse. Failure of monsoon leads to shortage of paddy and starvation. It is the further case of the petitioner that while economic progress and development in the field of information technology may be necessary, at the same time, food production and agriculture has to be protected. There can be no doubt about the correctness of the aforesaid submission.

3.The petitioner has further averred that there is a growing popularity of the real estate business, which brings money. There is rampant conversion of agricultural lands into plots. Multi-storied buildings, houses, Villas, etc., are constructed on the agricultural land, as also the coastal restricted zone.

4.In the writ petition, it is pleaded that conversion of agricultural land into layouts, if allowed to continue, would reduce the agricultural land to 20% within three years and would result in considerable reduction in production of paddy, vegetables, etc.

5.In the writ petition, reference has been made to the Puducherry Town and Country Planning Act, 1963 and in particular, Section 36 thereof, which provides that after any development plan comes into operation in any area, no person shall use or permit to be used any land to carry out any development in that area otherwise than in conformity with the development plan. By publication in the extraordinary Gazette dated 05.03.2012, the respondents regulated layout and subdivisions of land.

6.The writ petition has been filed on the allegation that in contravention of the aforesaid direction, construction of multi-storied buildings is going on unabated. On the writ petition being moved, interim orders were passed from time to time. On 31.01.2017, a Division Bench comprising the then Hon'ble Chief Justice, Sanjay Kishan Kaul and the Hon'ble Justice M.Sundar,

passed an order allowing W.M.P.No.34766 of 2016 in W.P.No.40799 of 2016, that is this writ petition and restraining respondent no.3 from registering any document or sale deed relating to unapproved layout plots, buildings and flats constructed in violation of planning permission. It also appears that on 31.01.2017, while W.M.P.No.34765 of 2016 in W.P.No.40799 of 2016 was being heard, learned Senior Counsel for the respondents submitted on instructions that no conversion of agricultural land had been granted in the recent past nor proposed to be approved till such time as the relevant rules came into force.

7.Learned Senior Counsel appearing on behalf of the respondents has drawn our attention to the Puducherry Real Estate (Regulation and Development) (General) Rules, 2017, Puducherry Real Estate (Regulation and Development) (Agreement for Sale) Rules, 2017 and the Scheme for regularisation of unapproved layout situated in the area lying outside the Comprehensive Development Plan Area in Puducherry and Karaikal Regions in the Union Territory of Puducherry framed vide G.O. Ms.No.20/2017-HG., dated 20.10.2017 in exercise of power conferred by the Real Estate (Regulation and Development) Act, 2016.

8.In view of the framing of the aforesaid Rules and Scheme, the writ petition has become infructuous. There is no challenge in the writ petition to the aforesaid Rules and the Scheme framed subsequently.

9.The writ petition is, thus, disposed of as infructuous, but, with a direction that Deeds/Documents may be registered subject to strict compliance with the Real Estate (Regulation and Development) Act, 2016, read with Puducherry Real Estate (Regulation and Development) (General) Rules, 2017 and Puducherry Real Estate (Regulation and Development) (Agreement for Sale) Rules, 2017 and the Scheme for regularisation of unapproved layouts, as formulated in G.O.Ms.No.20/2017-HG., dated 20.10.2017. No costs. Consequently, W.M.P.No.271 of 2018 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

sra

To

1.The Chief Secretary,  
Govt. of Puducherry,  
Chief Secretariat, Puducherry.

2.The Secretary to Government,  
Town Planning Department,  
Chief Secretariat, Puducherry.

3.The District Registrar,  
Registration Department,  
Saram, Puducherry.

+1cc to Mr.N.A.Nissar Ahmed, Advocate, S.R.No.1240

+1cc to the Government Pleader, S.R.No.1209

W.P.No.40799 of 2016

VD(CO)  
RRK(12/01/2018)



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