

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No. 10769 of 2019
and
W.M.P.No. 11248 of 2019

V.Revathi

... Petitioner

Vs.

1. The Secretary,
Secretary (Housing and Town Planning)
Chief Secretariat,
Puducherry - 1.
2. Chief Town Planner,
Town and Country Planning Development,
Jawahar Nagar, Boomianpet,
Puducherry - 605005.
3. The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar Main Rd,
Jawahar Nagar,
Puducherry - 605005.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to publish the Draft Comprehensive Development Plan for Puducherry Planning Area - 2036 dated 07.05.2018 in the official gazette within a time frame fixed by this Hon'ble Court and grant building approval for the petitioner's land to construct a residential house in Plot No.23 measuring 1200 sq.ft. comprised in Town Survey Nos.3/16, 3/5 and 3/7 situated at "Saraswathi Garden" in Cadaser No.966 1/3, Ward-O, Block No.4, T.S.No.3/7, R.S.No.214/9PT, Now Cadastre No.966/2/3/1 of Murungapakkam Revenue Village, Puducherry.

For Petitioner : Mr.R.Sreedhar

For Respondents : Mr.A.V.Ramalingam
Additional Government Pleader
(Puducherry)

O R D E R

The petitioner herein has purchased a plot measuring 1200 sq.ft. in Ward-0, Block No.4, T.S.No.3/7, R.S.No.214/9PT, Now Cadastre No.966/2/3/1 of Murungapakkam Revenue Village, Puducherry vide Sale Deed dated 09.04.2018.

2. As per the Draft Land User Register issued by the Pondicherry Government, the plot purchased by the petitioner is classified as residential land but when she sought for building permission from the authorities, they refused to grant building permission on the ground that the draft proposal of the land user Register-2036 is yet to be finalised by the Government. Since the petitioner is not able to get the building plan permission, he has filed the present writ petition to publish the Draft Comprehensive Development Plan for Puducherry so that she will be able to get the building approval and put up construction.

3. In the counter affidavit, the respondent has stated that the Draft Comprehensive Development Plan for Puducherry Planning Area-2036 was published for inviting objections/suggestions from the public. Accordingly, after receiving their objections/suggestions, the authorities have prepared the final draft of the Comprehensive Development Plan for Puducherry and the same has been submitted to the Puducherry Town and Country Planning Board on 31.05.2019. The Planning Board in its meeting dated 26.06.2019 has approved the Draft Comprehensive Development Plan for Puducherry and has forwarded the same to the Government of Puducherry.

4. The learned Additional Government Pleader (Puducherry) appearing for the respondents would submit that the Government shall take a decision soon and publish the Comprehensive Development Plan for the Puducherry Planning Area-2036 very soon.

5. Taking into consideration, the process involved and the reason given by the respondents for the delay in publishing, it is suffice to direct the first respondent to expedite the process and publish Comprehensive Development Plan for Puducherry Planning Area-2036, not later than three months from today. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

sni

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Secretary (Housing and Town Planning)
Chief Secretariat,
Puducherry - 1.
2. Chief Town Planner,
Town and Country Planning Department,
Jawahar Nagar, Boomianpet,
Puducherry - 605005.
3. The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar Main Rd,
Jawahar Nagar,
Puducherry - 605005.

+1cc to the Govt. Pleader cum Public Prosecutor,
Vide Sr.No.66276

W.P.No. 10769 of 2019

Kak (18/09/2019)



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