

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2019

Coram:

THE HON'BLE DR. JUSTICE G. JAYACHANDRAN

Writ Petition Nos.33523 and 33527 of 2018  
and  
W.M.P.Nos.38906 and 38911 of 2018

Tmt.U.Jayalakshmi .. Petitioner in  
W.P.No.33523 of 2018

Tmt.K.Parvathy ... Petitioner in  
W.P.No.33527 of 2018

/versus/

1.Union of Territory of Puducherry  
Represented by the Chief Secretary  
to Government,  
Government of Puducherry,  
Chief Secretariat,  
Beach Road,  
Puducherry 605 001.

2.The Secretary to Government  
(Local Administration & Town Planning),  
Government of Puducherry,  
Chief Secretariat,  
Beach Road,  
Puducherry 605 001.

3.The Director,  
Local Administration Department,  
Government of Puducherry,  
Puducherry.

4.The Commissioner,  
Government of Puducherry,  
Oulgaret Municipality,  
Pondicherry 605 005.

WEB COPY

5.The Member Secretary,  
Puducherry Planning Authority,  
Jawahar Nagar,  
Boomianpet,  
Puducherry.

.. Respondents in  
both cases

Prayer in W.P.No.33523 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned rejection order No.4046/PPA/Z(O)/2018/6658 dated 10.10.2018 passed by the 5<sup>th</sup> respondent and quash the same and consequently direct the respondent to grant planning permission to the petitioner for construction of residential building at Re-survey No.173/1/A/3/B, Cadastre No.818/2 pt, Plot No.175pt (N), 3<sup>rd</sup> Cross Street, Ranga Nagar, Oulgaret Revenue Village, Oulgaret Municipality, Puducherry.

Prayer in W.P.No.33527 of 2018: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned rejection order No.4045/PPA/Z(O)/2018/6660 dated 10.10.2018 passed by the 5<sup>th</sup> respondent and quash the same and consequently direct the respondent to grant planning permission to the petitioner for construction of residential building at Re-survey No.173/1/A/3/B, Cadastre No.818/2 pt, Plot No.175pt (S), 3<sup>rd</sup> Cross Street, Ranga Nagar, Oulgaret Revenue Village, Oulgaret Municipality, Puducherry.

For Petitioner :Mr.Prakash Adiapadam  
(both cases)  
For Respondents :Mr.A.V.Ramalingam, AGP(P)  
(both cases)

COMMON ORDER

The case of the petitioners is that the purchased the vacant lands measuring 850 square feet of vacant land comprising in R.S.No.173/1/A/3/B, Cadastre No.818/2 Patta No.1021 from one Tmt. Pushpa Periyar, for valuable consideration on 06.08.2018. The petitioners submitted applications along with building plans to the fifth respondent for approval and it were rejected by the fifth respondent on 10.10.2018 for the following reasons:

- (a)The plot is located in the unapproved layout.
- (b)The land bearing R.S.No.173/1/A/3/B Plot No.175pt (N) and Plot No.175 pt(S).

Oulgaret Revenue Village lies in "Road Portion".

Aggrieved by the order of rejection, the present writ petitions are filed.

2. The learned Additional Government Pleader(P) appearing for the respondents would submit that the petitioners, who have purchased the plots in unapproved layout have sought for planning permission. The Member Secretary of Puducherry Planning Authority has rightly rejected their request. If the petitioners are aggrieved by the order passed by the Planning authority for rejection of permission, appellate remedy is before the Board as per Section 38 of Puducherry Town and Country Planning Act, 1969. Without exhausting the appeal remedy, the petitioners have approached this Court and furthermore, they have not even impleaded the Promoter of the Layout, who has sold the unapproved plot to them.

3. Recording the submission made by the learned Additional Government Pleader(P), these writ petitions are disposed of with liberty to the petitioners herein to approach the Board as per Section 38 of the Puducherry Town and Country Planning Act, 1969 impleading all the necessary parties. If such appeal is filed, the Board shall pass appropriate orders in accordance with law as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

1.The Chief Secretary to Government,  
Union of Territory of Puducherry  
Government of Puducherry,  
Chief Secretariat,  
Beach Road,  
Puducherry 605 001.

2.The Secretary to Government  
(Local Administration & Town Planning),  
Government of Puducherry,  
Chief Secretariat,  
Beach Road,  
Puducherry 605 001.

3.The Director,  
Local Administration Department,  
Government of Puducherry,  
Puducherry.

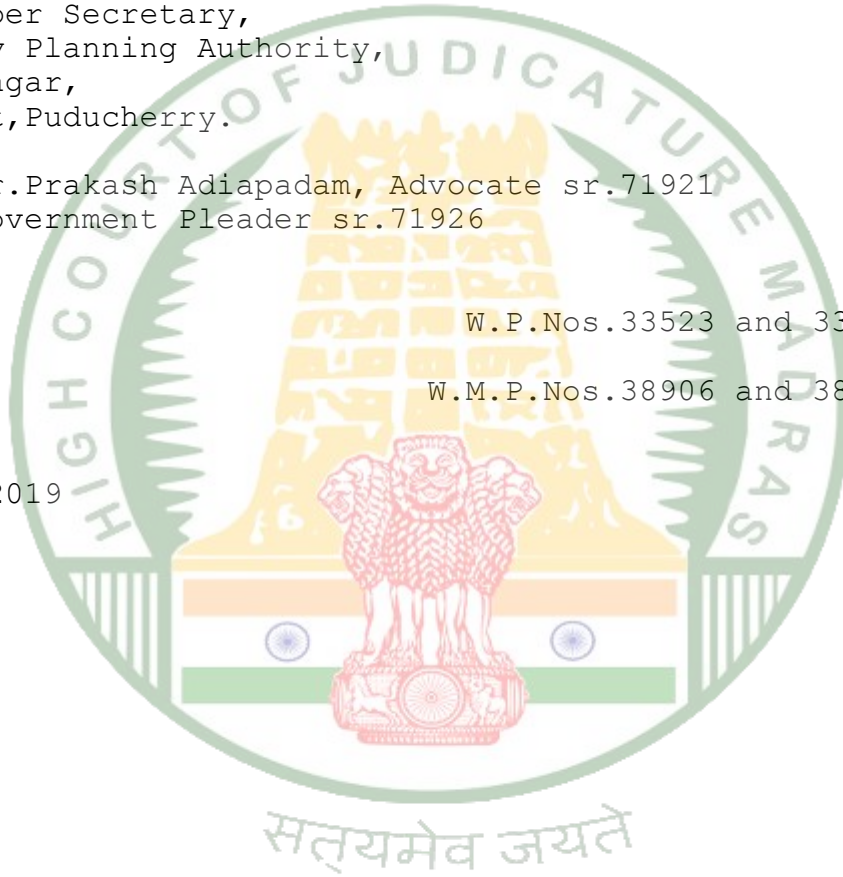
4.The Commissioner,  
Government of Puducherry,  
Oulgaret Municipality,  
Pondicherry 605 005.

5.The Member Secretary,  
Puducherry Planning Authority,  
Jawahar Nagar,  
Boomianpet, Puducherry.

+lcc to Mr.Prakash Adiapadam, Advocate sr.71921  
+lcc to Government Pleader sr.71926

W.P.Nos.33523 and 33527 of 2018  
and  
W.M.P.Nos.38906 and 38911 of 2018

mg(co)  
nr 26/08/2019



WEB COPY