



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 22.03.2021
CORAM
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN
W.P.No.8127 of 2020

R.Ramesh

.. Petitioner

Versus

- 1.The Chairman,
Puducherry City and Country Planning Authority,
Puducherry.
- 2.The Secretary to Government (Housing),
Secretariat, Pudhucherry,
- 3.The Member Secretary,
Puducherry Planning Authority,
Puducherry.

4.M.Thamizhselvam

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent 1 to 3 remove or lock and seal or demolish the illegal and unauthorized construction made by the 4th respondent at Door No. 29, Jeeva Street, Shanmugapuram, Thattanchavady Revenue Village, Oulgaret Municipality, Puducherry and to pass.

For Petitioner : Mr.G.Mutharasu

For RR 1 to 3 : Mr.D.Ravichander
Additional Government Pleader
(Puducherry)

For RR4 : Ms.P.V.Rajeswari

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the Writ Petition is taken up for final disposal and disposed of by this final order.

2. The petitioner claims to be a resident of Door No.29, Jeeva Street, Shanmugapuram, Thattanchavady Revenue Village, Oulgaret Municipality, Puducherry and came forward to file this Writ Petition alleging that the 4th respondent, in utter



3. Heard the submission of the learned counsel appearing for the petitioner and also perused the materials placed before it and it would disclose that civil proceedings are also pending between the father of the petitioner and the father of the 4th respondent.

5. Mr.D.Ravichander, learned Additional Government Pleader (Pondicherry) appearing for the respondents 1 to 3 would submit that the appeal dated 13.06.2016, filed by the 4th respondent, challenging the proceedings of the Member Secretary of Puducherry Plan Authority, dated 10.06.2016 (cited supra) would be considered and given disposal at the earliest in accordance with law.

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Petition with costs.

7. This Court has carefully considered the rival submissions and also perused the materials placed before it.

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8. The fact remains that challenging the rejection of the request for Building Planning Approval for the existing three storied residential building put up by the 4th respondent in Door No.29, Jeeva Street, Shanmugapuram, Thattnachavady Revenue Village, Oulgaret Municipality, Puducherry, Statutory Appeal dated 13.06.2016 has been preferred by him and the same is pending consideration on the file of the 1st respondent.

9. In the light of the above facts and circumstances, this Court is of the considered view that it cannot pass any positive order, by directing the 3rd respondent to proceed further. This Court taking into consideration the above facts and circumstances, as well as consideration of the rival submissions, directs the 1st respondent to consider and dispose of the 4th respondent appeal dated 13.06.2016, on merits and in accordance with law, by also adhering to the principles of natural justice and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order / uploading of the order in the Website and communicate the decision taken, to the 4th respondent as well as to the petitioner.

10. The Writ Petition stands disposed of, accordingly. No costs.

Sd/-
Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Chairman,
Puducherry City and Country Planning Authority,
Puducherry.

2.The Secretary to Government (Housing),
Secretariat, Pudhucherry,



3.The Member Secretary,
Puducherry Planning Authority,
Puducherry.

+1CC TO MR.G.MUTHARASU, ADVOCATE, SR.NO. 18683

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 19135

W.P.No.8127 of 2020

PCH (CO)
KKN 20.04.2021