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W.P.No.14472 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 25.08.2023**

**CORAM**

**THE HON'BLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.14472 of 2021  
and  
W.M.P.No. 15353 of 2021**

K.Latha @ Pushpaleela

... Petitioner

**Vs.**

1. Union Territory of Puducherry  
Rep.by its Chief Secretary  
Secretariat, Puducherry.

2.The Union Territory of Puducherry  
Rep.by its Secretary  
Housing Department  
Secretariat, Puducherry.

3.The Member Secretary  
Puducherry Town and Country Planning Authority  
Jawahar Nagar, Puducherry – 605 005.

4.Sivabakkiyam @ Sowbakkiyam

5.Jagathy

6.V.Deepika @ Thibiya



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7.V.Saranya

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8.V.Lakshminarayanan

9.Kuzhanthai @ Unnamalai

10.L.Manikandan

11.L.Vinoth Kumar

12.The Chief Town Planner,  
Town and Country Planning Department  
Government of Puducherry.

(R12 *suo-motu* impleaded by this Court vide order dated 25.08.2023  
made in W.P.No.14472 of 2021) ... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, to direct the respondents 2 and 3 herein to issue stop work notice to the unauthorized construction put up by the respondents 4 to 11 herein on the petitioner's property situate in R.S.No.146/3 Cadastre No.2045/1/2 Part to an extent of 1 Kuzhi 09.5/8 Veesams = 922 ½ sq.ft in Thattanchavady Revenue Village, Patta No.822, Uzhavarkarai Municipal Limits, Puducherry, having bounded by East of Manicka Chettiayar Plot, West of Rajasri Plot, South of Munusami Kounder's North side Plot, North of Vazhudhavur Salai, as per provision Section 45 of Puducherry Town and Country Planning Act, 1969 coupled with Section 20 of Puducherry Building Bye-laws and zoning Regulations, 2012.



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For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.J.Kumaran  
Additional Government Pleader for RR1 to 3  
Mr.M.Manimaran for RR4 to 11

### **ORDER**

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed to direct the respondents 2 and 3 herein to issue stop work notice to the unauthorized construction put up by the respondents 4 to 11 herein on the petitioner's property situated in R.S.No.146/3 Cadastre No.2045/1/2 Part, to an extent of 1 Kuzhi 09.5/8 Veesams = 922 ½ sq.ft in Thattanchavady Revenue Village, Patta No.822, Uzhavarkarai Municipal Limits, Puducherry, as per Section 45 of the Puducherry Town and Country Planning Act, 1969 coupled with Section 20 of Puducherry Building Bye-laws and zoning Regulations, 2012.

2.It is the case of the petitioner that he is the absolute owner of the above mentioned property. While so, the respondents 4 to 11 have illegally trespassed into the petitioner's property and started constructing a building.



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When the same was came to the knowledge of the petitioner, he immediately addressed a detailed representation to the official respondents, specifically to the 3<sup>rd</sup> respondent. Since the official respondents did not take any action, he filed the present Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that based on the representation of the petitioner the 3<sup>rd</sup> respondent sent the refusal cum demolition notice dated 23.09.2021 to the respondents 9 to 11. Aggrieved against the said notice, the respondents 9 to 11 preferred an appeal on 08.10.2021 before the 12<sup>th</sup> respondent and the same is pending. Therefore, he would submit that it would suffice if a direction is issued to the 12<sup>th</sup> respondent, to dispose of the appeal preferred by the respondents 9 to 11, within a time frame to be stipulated by this Court.

4.In view of the submissions made by the learned Additional Government Pleader, this Court without expressing any opinion on the merits of the matter, directs the 12<sup>th</sup> respondent to pass orders on the appeal dated 08.10.2021 preferred by the respondents 9 to 11, on merits and in accordance



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with law, within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)  
25.08.2023

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Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To

1. The Chief Secretary  
Union Territory of Puducherry  
Secretariat, Puducherry.

2. The Secretary  
Union Territory of Puducherry  
Housing Department  
Secretariat, Puducherry.

3. The Member Secretary  
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Jawahar Nagar, Puducherry – 605 005.

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**J. NISHA BANU, J.**  
**and**  
**N.MALA, J.**

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**25.08.2023**