



WEB COPY



W.P.No.25493 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

**W.P.No.25493 of 2019
and
W.M.P.Nos.25019 & 25021 of 2019**

A.Vanaja

Vs.

..Petitioner

1. The Member Secretary,
Puducherry Planning Authority,
BhomiyaPet,
Reddiarpalayam,
Puducherry – 605 005.
2. The Commissioner,
Villiyannur Commune Panchayat,
Villiyannur,
Puducherry.
3. The Executive officer (O&M),
Electricity Department (North),
Main Office,
Rural North,
Puducherry – 605 001.
4. The Executive Engineer,
Public Works Department,
Irrigation (North), Puducherry – 605 001.
5. T.Narayanan



W.P.No.25493 of 2019

S/o Late Thoppulan

6. S.Viswanathan,
S/o Late Subbarayan

7. S.Ramasamy,
S/o Srinivasan

8. S.Sengeni,
W/o Sivakozhunthu

9. R.Meera
D/o Rasu Achari

10. S.Arumugam,
S/o Srinivasan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 4 to take immediate action for demolition of the structures made by the respondents 5 to 9 and further direct the respondents 1 to 4 not to extend any amenities like Electricity connection, water connection and other facilities to the respondents 5 to 9 in respect of their buildings in Re-survey Nos.50/1, 4-7 and 53/5, 7-part in Villiyanur Commune Panchayat, Villiyanur Village, No.26, Pillaiyarkuppam, Puducherry in the name and style of Sri Srinivasa Nagar and other benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.J.Kumaran,
Additional Government Pleader
(Puducherry) for R1 to R4
No appearance for R5 to R10

ORDER



W.P.No.25493 of 2019

(The order of the Court was made by J.Nisha Banu,J.)

WEB COPY

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents 1 to 4 to take immediate action for demolition of the structures made by the respondents 5 to 9 and further direct the respondents 1 to 4 not to extend any amenities like Electricity connection, water connection and other facilities to the respondents 5 to 9 in respect of their buildings in Re-survey Nos.50/1, 4-7 and 53/5, 7-part in Villiyanur Commune Panchayat, Villiyanur Village, No.26, Pillaiyarkuppam, Puducherry in the name and style of Sri Srinivasa Nagar and other benefits.

2. The case of the petitioner is that he is the permanent resident of No.16, First Cross Street, Mariyamman Koil Street, and he has agricultural lands to an extent of 53 kuzhi in Survey No.50/3, in Villiyanur Commune Panchayat, Villiyanur Village, No.26, Pillaiyarkuppam, Sub-Registrar Office of Villiyanur, Registration District of Puducherry. The 10th respondent and his Associates developed a layout by unauthorised sub division of agricultural lands into plots in the name and style of “Sri Srinivasa Nagar” at R.S.No.50/1, 4-7, 53/5, 7 pt., Pillaiyarkuppam Village Villiyanur Commune. Immediately on coming to



W.P.No.25493 of 2019

WEB COPY

know that the 10th respondent and his associates are indulging in conversion of the agricultural lands for the purpose of developing a layout for housing purpose by sub dividing and selling it as residential flats in respect of the lands in Survey No.50/3, in Villiyanur Commune Panchayat Villayanur Village, No.26, Pillaiyarkuppam, objecting the same, the petitioner sent several representations to the District Collector and to the Town and Country Planning authorities. Pursuant to the same, stop work notice and demolition notice was issued by respondents 1 to 4. Apart from the objection for illegal construction, the petitioner sent representation to the Electricity Board Authorities not to give electricity connection to the respondents 5 to 9. Since the respondents 1 to 4 failed to take any further action, the present writ petition has been filed.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader(Pondy) appearing for the 1st to 4th respondents. There is no representation for respondents 5 to 10.

4. It is seen from the counter affidavit filed by the 1st respondent dated 12.07.2023 that the Puducherry Planning Authority has issued notice for stopping of unauthorised sub division of agricultural land against the 10th respondent and 4 others vide order dated 17.12.2015



W.P.No.25493 of 2019

WEB COPY

and demolition notice for unauthorized construction was also issued against the 9th and 7th respondent vide order dated 09.06.2017 and 19.10.2017 respectively. The Puducherry Planning Authority has issued violation notice as against the 5th and 6th respondents with a direction to stop all works on 14.05.2018 and 23.05.2018 respectively. It is further stated in the counter affidavit that the 7th respondent has filed an appeal dated 12.01.2018 to the Puducherry Town and Country Planning Board against the Demolition notice issued by the Puducherry Planning Authority.

5. In the meanwhile, the Chief Town Planner-cum-Member Secretary, Puducherry Town and Country Planning Board has communicated to the 7th respondent that the Government of Puducherry has framed a scheme for regularisation of unapproved layouts situated in the area lying outside the Comprehensive Development Plan area in Puducherry and Karaikal Regions and issued Government Order in G.O.Ms.No.20/2017-Hg, Puducherry dated 20.10.2017. The Government order has been issued to regularize the unapproved layouts and unapproved sub-divisions, where any or all plots are sold and registered on or before 30.01.2017 and situated outside the Comprehensive



W.P.No.25493 of 2019

WEB COPY

Development Plan areas in Puducherry and Karaikal Regions. Based on the said Government Order, the 7th respondent has submitted an application to Puducherry Planning Authority for regularization of plot numbers 50 and 51 pt. in the said unapproved layout. The application has been processed by the Puducherry Planning Authority and intimation has been sent to the 7th respondent for remittance of required fees for regularisation of the plots but he is yet to pay the fees for regularization.

6. It is pertinent to point out that though the respondents 5 to 9 are eligible for regularisation, it is seen that they have not obtained regularisation for the unapproved layout. Though the 7th respondent was asked to remit the required fees for regularisation by paying the necessary fees, till July 2023, he had not paid the same as stated in the counter dated 12.07.2023. To disprove the same and to substantiate their case, the respondents 5 to 10 have not appeared before this Court. The office records show that the respondents 5 to 10 were served, but the same was returned with an endorsement 'refused'.

7. In view of the above, the respondents 1 to 4 are directed to initiate further course of action under the provisions of Puducherry Town and Country Planning Act as against the respondents 5 to 9. Accordingly,



W.P.No.25493 of 2019

WEB COPY

the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B,J.) (N.M., J.)
30.08.2023

Index : Yes / No
Speaking/Non-speaking order
vsi

To

1. The Member Secretary,
Puducherry Planning Authority,
BhomiyaPet,
Reddiarpalayam,
Puducherry – 605 005.
2. The Commissioner,
Villiyannur Commune Panchayat,
Villiyannur,
Puducherry.
3. The Executive officer (O&M),
Electricity Department (North),
Main Office,
Rural North,
Puducherry – 605 001.
4. The Executive Engineer,
Public Works Department,
Irrigation (North), Puducherry – 605 001.



WEB COPY



W.P.No.25493 of 2019

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

vsi

W.P.No.25493 of 2019

30.08.2023