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Cont.petr.No.2221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.11.2023**

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Contempt Petition No.2221 of 2023

R.Jagadesan

...

Petitioner

...Vs...

1. Shri.Rajeev Verma I.A.S.,
Chief Secretary,
Chief Secretariat,
Goubert Avenue,
Pondichery-605 001.
2. Shri.R.Kesavan, I.A.S.,
Secretary (Housing),
Goubert Avenue,
Pondichery-605 001.
3. Shri.M.Kandar Selvan,
Chief Town Planner-cum-Member Secretary,
Town and Country Planning Board,
Town and Country Planning Department,
Puduchery.
4. M.Kandar Selvam,
Member Secretary,
Puduchery Planning Authority,



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Jawahar Nagar, Boomanipet,
Puduchery.

...

Respondents

Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the Respondents herein for the wilful disobedience of the order dated 02.08.2022 of this Court passed in W.P.No.579 of 2022.

For Petitioner : Mr.S.P.Sudalaiyandi

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

ORDER

(Order of this Court was made by **S.VAIDYANATHAN, J**)

This contempt petition is filed alleging non compliance of the order passed by this Court on 02.08.2022 in W.P.No.579 of 2022.

2. Today, when the matter was taken up for hearing, Mr.V.Vasanthakumar, learned Additional Government Pleader (Puducherry) appearing for the Respondents submitted that the order passed by this Court dated 02.08.2022 in W.P.No.579 of 2022 has been complied with. He has also produced the proceedings of the 3rd Respondent dated 31.10.2023, addressed to the Government Pleader to that effect and the said proceedings is scanned and annexed hereunder:



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No. 5232/ TCP / Board/JTP(1) / 2022-23 / 188
GOVERNMENT OF PUDUCHERRY
TOWN & COUNTRY PLANNING DEPARTMENT

Puducherry, the
31 OCT 2023

To
The Government Pleader for Government of Puducherry,
Office of the Government Pleader for Puducherry,
High Court Buildings (Old Legal Aid building),
High Court Campus,
Chennai - 600 104.

Sir,

Sub: Town and Country Planning Board - Unauthorised construction of three storied residential building at R.S.No.229/88, East Sannadhi street, Villianur Revenue Village, Villianur Commune, Puducherry - Order passed by the Honble High Court, Madras in W.P.No.579 of 2022 - Disposal of appeal - Reg.

Ref: 1. Refusal Order of PPA vide Lr.No.468/PPA/Z/VCP/2018-16/6192 dt.20.5.2018
2. Appeal to the TCP Board dt. 16.10.2018
3. Order of the Honble High Court of Judicature at Madras dt.2.8.2022 in W.P.No.579 of 2022 received by this department on 16.8.2022
4. This office letter No.5232/TCP/Board/JTP(Rtg)/2022/188 dated 20-10-2022
5. Contemnt Petition No.2221 of 2023 - In W.P.No.579 of 2022

Kind reference is invited to the subject mentioned above.

One Tmt.V.Vijaya has filed an appeal on 15.10.2018 against the demolition order dt.20.09.2018 issued by the Puducherry Planning Authority for the unauthorized construction of a three storied residential building at R.S.No. 229/88, Villianur Revenue Village, East Sannadhi Street, Villianur Commune, Puducherry. One Thiru R. Jagadesan who had given representation dated 16.5.2018 to the Puducherry Planning Authority to take action against the unauthorized construction made by Tmt. V.Vijaya filed a Writ Petition W.P.No.579 of 2022 in the Honble High Court, Madras and the Honble High Court of Judicature at Madras passed Order directing the official respondents to dispose of the Appeal filed by the 1st Respondent Tmt. V. Vijaya and pass appropriate order on merits and in accordance with law.

The said order was received on 16.08.2022 by the Puducherry Town and Country Planning Board.

2/-



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In the meeting of the Puducherry Town and Country Planning Board held on 05.08.2022 on the appeals pending to be disposed by the Board against the refusal order of the Puducherry Planning Authority for deviations on higher side against building parameters as per Building Byelaws and Zoning Regulations, 2012 norms, it was apprised that the proposal for bringing amendment to the Puducherry Town and Country Planning Act incorporating the provision for Regularization scheme is under consideration of the Government. The Board decided that all the appeal cases and appeals filed as on date & appeals received henceforth may be kept in abeyance and to take up all these appeal cases for scrutiny/ disposal after formulation of Scheme for regulation and penalisation of unauthorisedly constructed buildings and building constructed in deviation to the sanctioned plan.

The decision of the Board was communicated by the Chief Town Planner to the Member Secretary, Puducherry Planning Authority with a copy to Tmt.V.Vijaya and to the Petitioner Thiru R. Jagadesan vide Lr.No.375/TCP/Board/UTP(1)/2022/1097 dt.30.9.2022.

In this regard, the petitioner Thiru R. Jagadesan has filed a Contempt Petition No.2221 of 2023 in W.P.No.579 of 2022 stating that the Order of the Hon'ble High Court, Madras, dated 02-08-2022 in W.P.No.579 of 2022 has not been obeyed by the respondents.

The appeal filed by Tmt. Vijaya was placed in the meeting of the Puducherry Town and Country Planning Board held on 26.10.2023. The Puducherry Town and Country Planning Board was apprised that Puducherry Town and Country Planning (Amendment) Act, 2022 (Act No. 6 of 2022), has been notified providing for regulation of unauthorized buildings. Further, a draft scheme for regularisation and penalisation of unauthorisedly constructed buildings and buildings constructed in deviation to the sanctioned plan has been prepared, as provided under the Puducherry Town and Country Planning (Amendment) Act, 2022 and the same is under the consideration of the Government.

The Puducherry Town and Country Planning Board examined the issues and the appellant (Tmt. V.Vijaya) was also heard and the Board decided that the appeal cannot be entertained. The Board after detailed deliberations ordered that the appellant Tmt. V. Vijaya (owner of the building) shall vacate the building and Puducherry Planning Authority shall seal the premises within two months time from 26.10.2023. The Appeal filed by Tmt.V. Vijaya is disposed of.

3/-



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The above order of the Puducherry Town and Country Board has been communicated to the appellant Tmt.V.Vijaya and to the Member Secretary, Puducherry Planning Authority for compliance.

The above may kindly be apprised to the Hon'ble High Court.

Yours faithfully,
(Signature) 3/11/23

(M.KANDAR SELVAN)
CHIEF TOWN PLANNER-cum-
MEMBER SECRETARY, TCP Board

Copy to:

The Member Secretary,
Puducherry Planning Authority, Puducherry.

Copy submitted to:

The Secretary to Govt.(Town Planning)- cum-
Vice Chairman, TCP Board
Chief Secretariat, Puducherry.



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S.VAIDYANATHAN, J.

AND

K.KUMARESH BABU, J.

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Recording the submission made by the learned Additional Government Pleader (Puducherry) and also the proceedings of the 3rd Respondent dated 31.10.2023, this Contempt Petition stands closed. However, it is made clear that in case Mrs.V.Vijaya (owner) fails to vacate the building, as ordered by the Town & Country Planning Department, Puducherry, it is open to the petitioner to reopen the contempt petition.

[S.V.N,J.,] [K.B,J.,]
30.10.2023

arr

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30.10.2023