



W.P.No. 30786 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 30786 of 2023

and W.M.P.Nos.30456, 30458 and 30459 of 2023

G.Hemavathy

..Petitioner

Vs.

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

2.The Government of Puducherry,
Rep. by its Secretary,
Town and Country Planning,
Secretariat,
Puducherry.

3.The Member Secretary,
Puducherry Planning Authority,
Jawahar Nagar,
Boomianpet,
Puducherry 605 005.

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4.Executive Engineer-Urban (O&M)
Electricity Department
Puducherry

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 3rd respondent in No.6897/PPA/Z(SB-Puducherry)/2022-23/3220 dated 03.10.2023 and quash the same.

For Petitioner : Mr.J.Ravindran
Senior Counsel
for Mr.D.Ravichander

For Respondents : Dr.B.Ramaswamy for R1 to R4
Additional Government Pleader(Pondy)

ORDER

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

This Writ Petition has been filed to call for the records of the 3rd respondent in No.6897/PPA/Z(SB-Puducherry)/2022-23/3220 dated 03.10.2023 and quash the same.

2. According to the petitioner, the property situated at Puducherry Revenue Village, Ward “D”, Block 4, T.Z.No.41 to an extent of 00.02.59 H.A.Ca belongs to her. The 1st respondent classified the petitioner's



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property as “government poramboke” and prevented registration and did not assign GLR value. Hence, she filed W.P.No.25011 of 2022 on the file of this Court to fix the guideline value and the same was allowed. In spite of the same, the respondents did not assign the GLR value. Hence, the petitioner filed W.P.No.19635 of 2023 which is still pending.

3. Learned senior counsel appearing for the petitioner would state that the petitioner had purchased the property in the year 2000 and put up constructions in the year 2015. In the year 2020, the respondents issued notice to stop the works and subsequently the application for planning permission was rejected. Against which, the petitioner had filed statutory appeal which is still pending before the 2nd respondent. While being so, the 3rd respondent had issued the impugned notice dated 03.10.2023 stating *"in exercise of the powers conferred under the Clause 20 of the Puducherry Building Bye-Laws and Zoning Regulations, 2012, Puducherry Planning Authority has sealed the premises of the unauthorisedly constructed building in violation of the Puducherry Building Bye-Laws and Zoning*



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Regulations, 2012". Aggrieved by the same, the petitioner had filed the present writ petition.

4. It is the further contention of the learned senior counsel that the petitioner's premises is a textile shop and because of the upcoming festivals, he requested to de-seal the premises.

5. The learned counsel appearing for the respondent would state that during the pendency of the appeal, since further construction was made by the petitioner, the premises was sealed.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. It is not in dispute that the statutory appeal filed by the petitioner is pending before the competent authorities for disposal. Keeping in view that oncoming festivals are approaching and that the petitioner is running the textile shop, respondents are directed to de-seal the premises by 21.10.2023. It is made clear that no further construction should be made by the petitioner.



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Taking into consideration the entire circumstances of the case, the respondents are directed to dispose of the appeal within a period of three months from today (20.10.2023). Till then, the respondents are directed not to take any coercive action as against the petitioner.

8. With the above direction, the Writ Petition is disposed of.

No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
20.10.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
msv

Note: Registry is directed to issue order copy on 20.10.2023.



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To

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Secretariat,
Puducherry.

2. The Secretary

The Government of Puducherry,
Town and Country Planning,
Secretariat,
Puducherry.

3.The Member Secretary,

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And

N.Mala,J.

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