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W.P.No.9331 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.9331 of 2024

Bala Evelyne Lina

... Petitioner

Vs.

The Commissioner,
Puducherry Municipality,
Puducherry.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to remove the lock and seal affixed on the petitioner's house situated at No.64, Kattamanikuppam Street, Muthialpet, Puducherry – 605 003.

For Petitioner : Mr.C.Prakasam

For Respondent : Mr.A.Tamilvanan
Additional Government Pleader
(Pondicherry)



W.P.No.9331 of 2024

WEB COPY

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus to direct the respondent to remove the lock and seal affixed on the petitioner's house situated at No.64, Kattamanikuppam Street, Muthialpet, Puducherry – 605 003.

2.The petitioner is a permanent resident of France. However, she is a native of Puducherry, where she owns a house at No.64, Kattamanikuppam Street, Muthialpet, Puducherry – 605 003. It is the case of the petitioner that she had handed over her residential house to her friends and relatives for maintaining the house in her absence. However, the petitioner was surprised to find that the petitioner's premises was put under lock and seal, without her knowledge, under the pretext that the petitioner's building was used for unlawful and unauthorised purposes. Though the petitioner is fully responsible for using the house for unauthorised purposes, the petitioner has



W.P.No.9331 of 2024

now given an undertaking before the respondent that she will face the consequences legally and that she will not permit the building to be used for any unauthorised purpose. She has also submitted a representation to the respondent acknowledging the fact that the building was put to unauthorised use, and requesting the officials to recall the order.

3.Learned counsel appearing for the petitioner before this Court submits that the petitioner is now willing to pay any penalty for the unlawful use of the premises. The learned counsel submits that the petitioner's request is only to permit her to use the building for lawful purposes with an assurance that she will not use the building for any other purpose than permissible in law. The petitioner has also tendered an apology before the respondent and requested the respondent to remove the lock and seal, even in her written representation dated 06.12.2023. The same is recorded as binding.

4.Learned Additional Government Pleader (Pondicherry), on instructions, submitted that the respondent may be directed to de-seal the



W.P.No.9331 of 2024

premises provided the petitioner gives an undertaking to pay the penalty or any other levy for the unauthorised use of the building earlier.

5.It is in the said circumstances, this writ petition is disposed of with a direction to the respondent to remove the lock and seal affixed on the petitioner's house, forthwith, subject to the undertaking given by the petitioner before this Court that she will pay the penalty or any other levy, if it is permissible in law, for the unauthorised use of the building earlier. No costs.

(S.S.S.R., J.) (N.S., J.)
05.04.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

The Commissioner,
Puducherry Municipality,
Puducherry.



WEB COPY



W.P.No.9331 of 2024

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W.P.No.9331 of 2024

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