



WP Nos.18191/2022 & 11748/2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP Nos.18191 of 2022 and 11748 of 2021

WP No.18191 OF 2022

P.Paramesh

: Petitioner

versus

- 1.The Member Secretary
Puducherry Planning Authority
Jawahar Nagar,
Boomianpet, Puducherry 605 005
- 2.Chief Town Planner cum Member Secretary
Town and country Planning Board
Puducherry
- 3.The Superintendent Engineer,
Electricity Department,
No.137 N.S.C. Bose Salai,
Puducherry 605 001

4.L. Vengadassalame

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing respondent 1 and 2 to consider the appeal filed by the petitioner dated 06.04.2022 against the demolition notice issued vide file No.2525/PPA/Z(P) Demolition/2021/2824, dated 21.4.2021 in respect of unauthorized deviation construction R.S.No.42/5, T.S.No.15, Ward - H, Block No.10, D.No.28, Subramania Koil St.,



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Kosapalayam, Puducherry Revenue Village, Puducherry Municipality,
Puducherry to regularize the same.

For the Petitioner : Mr.M.Anandaraj

For the Respondents : Mr.A.Tamilvanan,
A.G.P., (Puducherry)
for respondents 1 to 3

Mr.U.Devasenathipathi,
for the fourth respondent

WP No.11748 OF 2021

L. Vengadassalame : Petitioner

versus

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

2.The Superintendent Engineer,
Electricity Department,
No.137 N.S.C. Bose Salai,
Puducherry 605 001

3.The Executive Engineer,
Public Health Division,
Public Works Department,
National Highways No.4,
Labourdonais St.,
Puducherry 605 001

4.The Station House Officer,
Orleanpet Police Station,
Maraimalai Adigal Salai,
Near New Bus Stand,
Orleanpet, Puducherry 605 013

5.P.Paramesh : Respondents



WP Nos.18191/2022 & 11748/2021

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing 1st respondent to take action for demolition in respect of unauthorised deviated construction at RS No.42/5, TS No.15, Ward – H, Block No.10, D.No.28, Subramania Koil St., Kosapalayam, Puducherry Revenue Village, Puducherry Municipality, Puducherry, by the 5th respondent based on the demolition notice vide File No. 2525/PPA/Z(P)/Demolition/2021/2824, dated 21.4.2021 issued by 1st respondent.

For the Petitioner : Mr.U.Devasenathipathi

For the Respondents : Mr.A.Tamilvanan,
A.G.P., (Puducherry)
for respondents 1 to 4

Mr.M.Anandaraj
for the fifth respondent

COMMON ORDER

(Made by S.S.SUNDAR, J.)

WP No.11748 of 2021 is filed for the issuance of a writ of Mandamus directing the first respondent to take action for demolition in respect of the unauthorised construction made by the fifth respondent, based on the demolition notice dated 21.4.2021, issued by the first respondent.

2. WP No.18191 of 2022 is filed for the issuance of a writ of Mandamus directing respondents 1 and 2 to consider the appeal filed



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by the petitioner as against the demolition notice issued on 21.04.2021, which is impugned in WP No.11748 of 2021.

3. Though the statutory appeal filed by the petitioner in WP No.18191 of 2022, as against the demolition notice dated 21.04.2021 was rejected vide order dated 05.07.2021, by citing the judgment of this Court in WP No.31949 of 2017 dated 11.01.2019, it is now admitted before this Court that the order rejecting the statutory appeal was restored and the appeal is still pending before the Government.

4. This is a case where the petitioner in WP No.11748 of 2021 has approached this Court for taking action for demolition of the unauthorised construction put-up by the petitioner in WP No.18191 of 2022. In view of the admitted position that the validity of the said notice is now the subject-matter of statutory appeal before the Government, this Court is inclined to dispose of both the writ petitions on the following lines:

(i) Respondents 1 and 2 in WP No.18191
of 2022 shall consider the statutory appeal



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filed by the petitioner therein as against the demolition notice dated 21.04.2021 within a period of 16 weeks from the date of receipt of a copy of this order, after affording an opportunity to the petitioner as well as the fourth respondent therein, who is the petitioner in WP No.11748 of 2021, and to pass appropriate orders, in accordance with law.

(ii) Till such time an order is passed in the statutory appeal filed by the petitioner in WP No.18191 of 2022, the official respondents are directed to maintain status quo.

(iii) Depending upon the outcome of the appeal, the official respondents are directed to initiate action over the unauthorised construction, in accordance with law.

(iv) However, in case respondents 1 and 2 are aware of any regularisation scheme under consideration by the Government of



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Puducherry, the statutory appeal may also be considered in the light of such scheme.

There will be no order as to costs in the writ petitions. Consequently, WMP Nos.17532, 17533 of 2022; 12507, 12510 of 2021 are closed.

(S.S.S.R., J.) (N.S., J.)
19.06.2024

Index : Yes/No
Neutral Citation : Yes/No
tar

To

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Boomianpet, Puducherry 605 005
- 2.Chief Town Planner cum Member Secretary
Town & Country Planning Board, Puducherry
- 3.The Superintendent Engineer,
Electricity Department,
No.137 N.S.C. Bose Salai,
Puducherry 605 001
- 4.The Superintendent Engineer,
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Puducherry 605 001



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5.The Executive Engineer,
Public Health Division,
P.W.D., National Highways No.4,
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6.The Station House Officer,
Orleanpet Police Station,
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S.S.SUNDAR, J.

AND

N.SENTHILKUMAR, J.

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