



WEB COPY



W.P.No.17763 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.17763 of 2024 and
W.M.P.No.19505 of 2024

M/s.St.James Court Beach Resort,
(Formerly in the name of Hotel Kilinjal)
Rep. by its Managing Director,
N.T.Sampath,
S/o.Natesa Chettiar,
(Opp.Puducherry Engineering College)
Chinnakalapet, Puducherry-605 014.

... Petitioner

-VS-

1. The Secretary to Government,
Town and Country Planning Department,
Government of Puducherry,
Puducherry-605 005.
2. The Member Secretary,
Puducherry Planning Authority,
Town and Country Planning Department,
Jawahar Nagar, Boomianpet,
Puducherry-605 005.
3. The Puducherry Town and Country Planning Board,
Town and Country Planning Department,
Government of Puducherry,
Puducherry-605 005.



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4. The Director,
Pondicherry Industrial Promotion Development
and Investment Corporation (PIPDIC),
Puducherry.

5. The Director
The Directorate of Information and Publicity
(Formerly Directorate of Information, Publicity and Tourism)
Government of Puducherry,
Puducherry.

6. Mrs.Prabha Devi ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to de-occupation notice dated 14.06.2024 vide No.228/PPA/Z(SB-Pillai)/2024/1709 on the file of the 2nd respondent and to quash the same and consequently, direct the respondents not to proceed with the demolition action until the disposal of the Statutory Appeal dated 25.03.2024, pending on the file of the 3rd respondent.

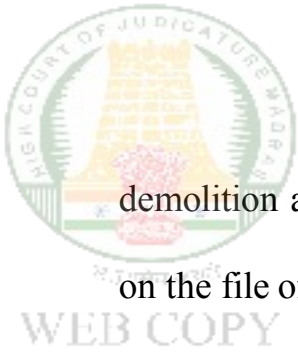
For Petitioner	:	Mr.S.Prem Auxilian Raj
For R1 to R3	:	Mr.A.Tamilvanan Addl. Govt. Pleader (P)
For R4	:	Mr.D.Ravichander Spl. Govt. Pleader

ORDER

(By D.Krishnakumar,J.,)

This Writ Petition has been filed, challenging the de-occupation notice dated 14.06.2024 in No.228/PPA/Z(SB-Pillai)/2024/1709, issued by the 2nd respondent.

The petitioner also sought a direction to the respondents not to proceed with the



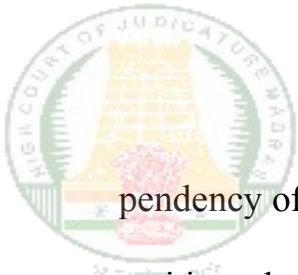
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demolition action until the disposal of the Statutory Appeal dated 25.03.2024, pending on the file of the 3rd respondent.

2. Mr.A.Tamilvanan, learned Additional Government Pleader (P) takes notice for R1 to R3 and Mr.D.Ravichander, learned Special Government Pleader takes notice for R4. Notice to R5 & R6 is dispensed with, as no adverse order is going to be passed against them. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that pursuant to the No Objection Certificate obtained as early as on 07.06.1980, a Hotel business is being run in the building in question and on the basis of the representation of the 6th respondent, who is totally stranger to the property, the impugned demolition notice has been issued, against which, the petitioner has preferred a Statutory Appeal dated 25.03.2024 before the 3rd respondent under Section 44(2)(b) of the Puducherry Town and Country Planning Act, 1970 and the same is pending as on date.

4. Learned Additional Government Pleader (P) appearing for the respondents 1 to 3 has not refuted the submission of the petitioner with regard to the



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pendency of the appeal. He has stated that if any direction is issued by this Court in this petition, that would be adhered to by the 3rd respondent, while disposing of the appeal. He has also stated that a reasonable time may be granted to the 3rd respondent for passing appropriate orders on the appeal.

5. Taking note of the fact that the Statutory Appeal dated 25.03.2024 is pending before the 3rd respondent, this Court directs the 3rd respondent to pass appropriate orders on the appeal dated 25.03.2024 filed by the petitioner under Section 44(2)(b) of the Puducherry Town and Country Planning Act, 1970, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. In terms of the provisions of Section 44(3)(i) of the Puducherry Town and Country Planning Act, 1970, the demolition / de-occupation notice dated 14.06.2024 shall be kept in abeyance till a decision is taken on the Statutory Appeal by R3.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.,]

[K.B., J]

05.07.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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To:

1. The Secretary to Government,
Town and Country Planning Department,
Government of Puducherry,
Puducherry-605 005.
2. The Member Secretary,
Puducherry Planning Authority,
Town and Country Planning Department,
Jawahar Nagar, Boomianpet,
Puducherry-605 005.
3. The Puducherry Town and Country Planning Board,
Town and Country Planning Department,
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