



WEB COPY

WP No. 917 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 917 of 2024

and

WMP.No.950 of 2024

Anima Lama Alias Anima Biswas,
W/o.Sudir Lama, Proprietor Of Restaurant La
Terrace,
No.2 Subbaiya Salai, South Boulevard,
Puducherry-605 001.
Rep. By Her Power Agent S.P.A Sekar,
S/o.Adimoolam, No.5A, Iyenar Koil Street,
Thengaithittu, Puducherry.

Petitioner(s)

Vs

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

2.Assistant Executive Engineer / Town-I,
Electricity Department,
Government of Puducherry.



3.The Executive Engineer,
Public Health Division,
Public Works Department,
Puducherry.

4.Chambre De Commerce,
A Registered Society, Rep. by its President,
No.1, Rue Suffren, Puducherry.

Respondent(s)

PRAYERWrit Petition filed under Article 226 of the Constitution of India, seeking for an issuance of writ of certiorarified mandamus, Calling for the entire records of the 1st respondent vide impugned Notice dated 27.11.2023 vide No.6189/ PPA/ JTP(SK) / Z (SB-Puducherry) / 2023/ 3905 and quash the same as void and illegal and consequentially restrain the respondents 2 and 3 from disconnecting Power Supply, Water and Sewerage connection to the petitioner property at M/s.Restaurant LA Terasse at No.9 Subbaiya Salai, Puducherry as per the Notice dated 28.12.2023.

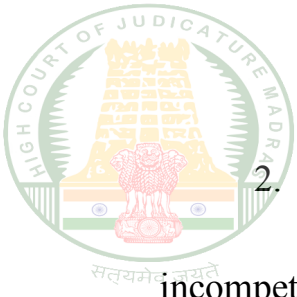
For Petitioner(s): Mr.T.S.Baskaran

For Respondent(s): R1 to R3 - No appearance
Mr.D.Ravichander for R4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Notice issued by the competent Authority against the unauthorised construction of commercial building at R.S.No.239pt, T.S.No.38, Ward E, Block No.1, Door No.9, Subaiya Salai, Puducherry Revenue Village, Puducherry Municipality, Puducherry is under challenge in the present writ proceedings.



2. No writ against notice is entertainable unless it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafides. It is for the petitioner to submit his Building Plan Approval and other documents to establish that the building is constructed in accordance with the Building Plan Permission.

3. Mr.T.S.Baskaran, the learned Counsel for the petitioner would submit that there is no building and the petitioner has constructed a shed.

4. Even construction of shed is permissible under the rules are to be verified by the competent Authority. Once unauthorised construction / shed is identified, the Authorities are empowered to issue notice under the relevant Rules. Further actions are to be continued by following the procedures as contemplated for the purpose of removal of unauthorised constructions / Shed made in violation of the Planning Rules. Since the writ petition has been filed only challenging the notice, this Court is not inclined to entertain.



5. The learned Counsel for the petitioner would submit that relevant documents have already been submitted before the competent Authority.

6. If not submitted, the petitioner shall once again submit the documents to the Authorities. The Authorities after scrutinising the same and on identification of unauthorised construction / shed shall proceed with the enforcement actions, continue the same and demolish the unauthorised constructions, if any. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM J.) (K.RAJASEKAR J.)
28-04-2025

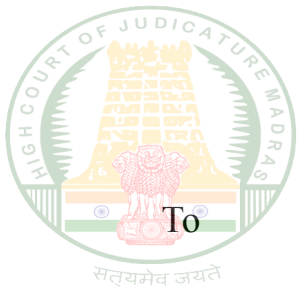
veda

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

1. The Member Secretary,
Puducherry Planning Authority, Jawahar
Nagar, Boomianpet, Puducherry.
2. Assistant Executive Engineer / Town-I,
Electricity Department, Governemnt of
Puducherry.
3. The Executive Engineer,
Public Health Division, Public Works
Department, Puducherry.
4. Chambre De Commerce,
A Registered Society, Rep. By Its President,
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S.M.SUBRAMANIAM J.
AND
K.RAJASEKAR J.
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