



W.P.No.9380 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.9380 of 2025

1.R.M.Sethuraman
2.R.M.S.Vasantha

...Petitioners

-Vs-

1.The Commissioner Oulgaret Municipality,
Office of Oulgaret Municipality,
2, East Coast Road, Jawahar Nagar, Kavery Nagar,
Thanthai Periyar Nagar, Puduchery – 605 005.

2.K.Jayanthi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing 1st respondent herein to consider the petitioner's representation dated 07.02.2025 within the time stipulated as fixed by this Court and pass such further orders.

For Petitioners : M/s.A.Safitha Meera Rumana
for Mr.D.Gopal Pandi

For R1 : M/s.V.Usha,
Additional Government Pleader



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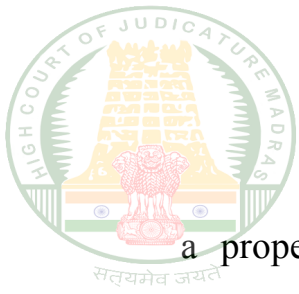
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ORDER

With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for issuance of a Writ of Mandamus, directing 1st respondent herein to consider the petitioner's representation dated 07.02.2025 within the time stipulated as fixed by this Court.

3. The case of the petitioners is that the 1st petitioner's wife, R.M.S. Vasantha, acquired 10 acres of land in R.S.No.218/4 in Saram Village through a family partition deed (Doc. No.2533 of 1988, SRO Oulgaret). The adjacent lands in R.S.Nos.218/5 and 218/6 belonged to Abdul Maith Nandvi and others, who executed powers of attorney in favor of different individuals for the sale of plots. Plot Nos.11, 12, 13, 18, 19, and 20 were later sold to Kirubanidhi and his wife, K.Jayanthi, (2nd respondent herein) through valid sale deeds. Meanwhile, Mrs.R.M.S.Vasantha (2nd petitioner herein) purchased Plot No.17 (1410 sq. ft.) via Sale Deed No.1533 of 2009 and has since been in peaceful possession and enjoyment of the property. Following



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a property dispute, the Sub-Divisional Magistrate (North), Puducherry, passed a final order on 22.09.2010 in favor of the 2nd petitioner, which was later upheld by this Court in CrI.O.P.No.25106 of 2010, dismissed on 10.01.2019. Kirubanidhi did not pursue any civil remedy thereafter and had a separate entrance through a 100-feet ECR road. After his death on 29.04.2024, the 2nd respondent applied for building approval for her plots but wrongfully included R.S.No.218/4 (belonging to the 2nd petitioner) as an entrance in the layout sketch. She started construction on Plot Nos.11, 12, and 13, thereby blocking access to her rear plots and illegally claiming ingress and egress through the petitioners land.

4. Learned counsel appearing for the petitioners would contend that the 2nd petitioner is the lawful owner of land in R.S.No.218/4 and has been in peaceful possession since 2009. The adjacent plots owned by Kirubanidhi and the 2nd respondent have a separate entrance through the 100-feet ECR road, and the earlier property dispute was settled in favor of the 2nd petitioner by the Sub-Divisional Magistrate, upheld by this. After Kirubanidhi's death, the 2nd respondent wrongfully included the petitioner's land as an entrance in her building plan and began construction, illegally claiming the right of way.

Therefore, the petitioners submitted a representation on 07.02.2025 seeking



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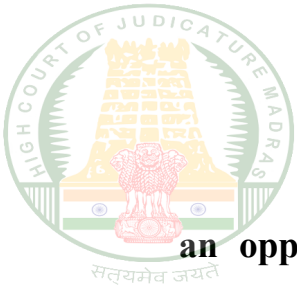
official intervention, but no action was taken by the 1st respondent. Hence, the present writ petition is filed.

5. Learned counsel further contended that the aforesaid representation is submitted to not accept the layout approval of the 2nd respondent, viz., K.Jayanthi.

6. Learned Additional Government Pleader appearing for the 1st respondent would submit that already an enquiry has been initiated by the 1st respondent and certain documents have been required by the 1st respondent. The petitioner was directed to submit certain documents, but the same has not been submitted to the 1st respondent till date, and the last date of hearing was 20.02.2025.

7. Heard both sides and perused the materials available on record.

8. Without going into the merits of the case, the 1st respondent is directed to consider the representation of the petitioner dated 07.02.2025 after giving due notice to the petitioner and the 2nd respondent, affording



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an opportunity of personal hearing to the petitioner as well as 2nd respondent, to take into consideration all the relevant documents submitted by the parties in regard to the subject matter property and pass appropriate orders on merits, in accordance with law, thereby following the above principles of natural justice within a period of eight (8) weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations and direction. No costs.

19.03.2025

cda

Index : Yes/No

Speaking/Non Speaking order

To

The Commissioner Oulgaret Municipality,
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2, East Coast Road, Jawahar Nagar, Kavery Nagar,
Thanthai Periyar Nagar, Puduchery – 605 005.



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