



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 24-07-2025**

WEB COPY

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU  
AND  
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WP No. 16276 of 2024 and  
WMP No.17815 of 2024**

1. Nadarassin Ramesh  
S/o Nadarassin Adimoulame No 38 Middle  
Street Reddiyarpalayam Puducherry

Petitioner(s)

Vs

1. Union Of India  
Represneted By The Chief Secretary  
Government Of Puducherry Secretariat  
Puducherry

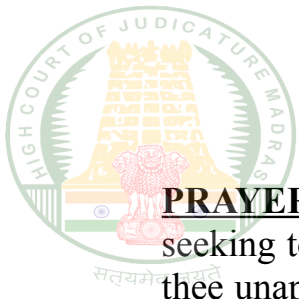
2.The Member Secretary  
Puducherry Planning Authority 1st Main Road  
Jawahar Nagar Reddiyarpalayam Puducherry  
605 005

3.The District Collector  
Collectorate, New Revenue Complex  
Vazhudavoor Road, Pettaiyanchatiram  
Puducherry 605 009

4.K. Soundarajan  
No 25 1st Cross Street, Anna Nagar,  
Navarkulam, Lawspet  
Puducherry 605 008

5.S.Bharathkumar  
No 25 1st Cross Street Anna Nagar,  
Navarkulam, Lawspet, Puducherry 605 008

Respondent(s)



**PRAYER:** Writ petition filed under Article 226 of Constitution of India seeking to issue a Writ of Mandamus, directing the 2nd respondent to demolish the unapproved unauthorized and illegal construction raised by the 4th and 5th respondents in Plot No 17 comprised in R.s. No 86/ 1/ A / 1 / A / 3 Karuvadikuppam Revenue Village Puducherry and demolish the same within a time frame fixed by this Court.

For Petitioner(s): K.Sasindran  
D.Saraswathi  
V.Pavithra Devi

For Respondent(s): Mr. V.Vasanthakumar  
Addl.Govt.Pleader [ Puducherry ]  
For R1 To 3  
M/s. S.L. Sudarsanam,  
C.P. Hemkumar, R. Gokul  
For R4 and 5

**ORDER**

**(Order of the Court was made by J.Nisha Banu J.)**

This writ petition has been filed to direct the 2nd respondent to demolish the unapproved and unauthorized construction raised by the respondents 4 and 5 in the subject property.

2. It is the case of the petitioner that he is an Indian origin and a French Citizen and he used to visit Puducherry frequently. According to him, the suit property belongs to him and his family members and he is maintaining the subject property as vacant land through his friends. However, the respondents 4 and 5, by creating forged documents and falsely claiming ownership, have attempted to construct a building on the subject property, without obtaining planning permission from the 2nd respondent. Hence, he submitted a



representation dated 24.05.2024 seeking action to stop the illegal construction.

But it did not evoke any kind of response from the authority / 2nd respondent.

Therefore, the petitioner is constrained to file the present writ petition.

3. The 2nd respondent filed counter affidavit stating that the 4th respondent had submitted application seeking planning permission for construction of a two storied residential building on the subject property. An legal opinion was obtained from the legal counsel, dated 20.03.2024 , stating as follows:

" On perusal of the above said documents, I am of the opinion that the applicant Soundararajan, s/o Krishnan having inherited and valid title of the above mentioned shceule of property as per the registered sale deed dated 23.08.2010, doc. No.2908/2010 and the registered release deed dated 16.03.2022, doc. No.7965/2022, plot No.17 on the northern side to an extent 1320 sq.ft. or 01 Ares 23 Centiare only in R.S.No.86/1A/1/A/3".

The 2nd respondent, after getting legal opinion, issued planning permission on 19.04.2024, superseding the earlier permit issued to the previous owner of the plot D.Santhi. It is also stated that, in response to the letter given by the petitioner dated 24.05.2024, the authorities concerned have inspected the property on 15.07.2024 and found that the 4th respondent has commenced the



WEB COPY

construction works with some deviation from the plan and the construction works reached upto ground floor roof (roof not laid). Hence, stop work notice was issued on 22.07.2024 with direction to restore the building as per approved plan. It is further stated that on subsequent inspection, it was observed that single storeyed residential building have been completed and hence deviation-cum demolition notice was issued to the 4th respondent in No.3267/PPA/OB-KARUVADIKUPPAM/ DEVIATION / 2022-24/780, dated 20.03.2025 and it was acknowledged by him on 22.03.2025. The 4th respondent vide letter dated 24.03.2025 has filed an appeal against the demolition notice and the same is pending for hearing.

4. The 4th respondent filed counter stating that originally, the subject property was purchased by wife of 4th respondent D.Shanthi and after her demise, the 4th respondent and 5th respondent inherited the property as they are her legal heirs. Subsequently, the 5th respondent, son of 4th respondent executed a release deed dated 29.03.2022 in favour of the 4th respondent and hence, if at all the petitioner is having right, title or interest over the subject property, he has to approach the civil forum for the same. With regard to the deviation in construction of building, the 4th respondent filed an appeal before the authorities concerned and it is pending for consideration.

5. The learned Additional Government Pleader appearing for the 2nd



respondent submitted that the petitioner gave a representation before the 2nd respondent seeking action against the unauthorised construction carried out by the 4th respondent. The respondents are taking necessary steps with regard to the construction of building, which deviates from the approved plan. In the meantime, the 4th respondent has filed an appeal before the authority seeking regularisation of the said constructions. He also submitted that, however, upon inspection, a deviation-cum demolition notice was issued to the 4th respondent on 20.03.2025.

6. Heard the learned counsel for the parties and we have perused the materials on record.

7. Considering the submission made by the learned counsel on either side and also taking into account the fact that after inspection, deviation-cum demolition notice was issued to the 4th respondent in No.3267/PPA/OB-KARUVADIKUPPAM/ DEVIATION / 2022-24/780, dated 20.03.2025, without expressing any opinion on merits, we are inclined to dispose of the writ petition by directing the 2nd respondent to dispose of the appeal filed by the 4th respondent, in accordance with law, after affording an opportunity of hearing to the petitioner as well as the 4th respondent, and 5th respondent, within a period of eight weeks from the date of receipt of copy of the order.

8. This writ petition is disposed of accordingly. There shall be no order as



to costs. Connected miscellaneous petition is closed.

WEB COPY

**(J.NISHA BANU J.) (M.JOTHIRAMAN J.)**  
**24-07-2025**

MST

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.Union Of India

Represneted By The Chief Secretary Government Of  
Puducherry Secretariat , Puducherry

2.The Member Secretary

Puducherry Planning Authority 1st Main Road  
Jawahar Nagar Reddiarpalayam Puducherry 605  
005

3.The District Collector

Collectorate, New Revenue Complex Vazhudavoor  
Road, Pettaiyanchatiram Puducherry 605 009

4.K. Soundarajan

No 25 1st Cross Street, Anna Nagar, Navarkulam  
Lawspet Puducherry 605 008

5.S.Bharathkumar

No 25 1st Cross Street Anna Nagar, Navarkulam  
Lawspet Puducherry 605 008

J.NISHA BANU, J.  
AND  
M.JOHIRAMAN, J.



WEB COPY

W.P.No.16276 of 2



MST

W.P.No.16276 of 2024

24.07.2025