



W.P.No.1862 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2025

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.1862 of 2018
and W.M.P.No.2311 of 2018

CH.V.VS.Ramalingeswara Rao,
Proprietor, Sri Bhagyalakshmi Wood Industries,
Flood Bank Road, Mettakuru,
Yanam -Puducherry UT-533 464.

...Petitioner

-Vs-

- 1.Union of India,
The Government of Puducherry,
Rep. by its Chief Secretary,
Chief Secretariat, Goubert Avenue,
Puducherry-605 001.
- 2.The Chief Town Planner,
Town & Country Planning Department,
Jawahar Nagar, Bhoomianpet,
Reddiarpalayam, Puducherry-605 005.
- 3.The Dy. Collector,
Office of the Deputy Collector,
Yanam, Puducherry UT.



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4.The Member Secretary,
Yanam Planning Authority,
Yanam, Puducherry UT-533 464.

5.The Commissioner,
Yanam Municipality,
Yanam, Puducherry UT-533 464.

6.The Sub Registrar,
Office of the Sub Registrar,
Yanam, Puducherry UT-533 464.

7.Sheif Nazreen,

8.Husanara Banu,

9.Shamshed Begum,

10.Md.Dhariya Bibi,

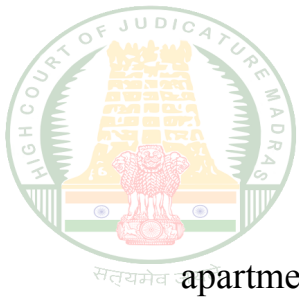
11.K.Parvathi,

12.Kolli Naga Triveni,

13.K.Mahalakshmi,

...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 the second, fourth and fifth respondents respectively, not to allow/ grant any planning permission for construction of residential houses or



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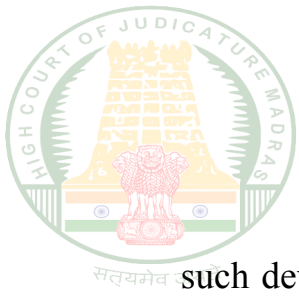
apartments in the lands in T.S.No.A.5:1/(1,10pt and 11 pt); 4/8 pt Mettacur Revenue Village comprised in Ward-A, an existing Industrial Zone, if the permission already accorded, direct to withdraw the said approval and permission granted for such development project of residential and commercial complex in the said industrial land zone.

For Petitioner : M/s.S.Venkata Krishna Kumar

For Respondents : M/s.V.Usha
Additional Government Pleader(Pondy)
for R1 to R6
Mr.V.Chinnasamy for R7 to R9

ORDER

This writ petition has been filed seeking to direct the second, fourth and fifth respondents respectively, not to allow / grant any planning permission for construction of residential houses or apartments in the lands in T.S.No.A.5:1/(1,10pt and 11 pt); 4/8 pt Mettacur Revenue Village comprised in Ward-A, an existing Industrial Zone, if the permission already accorded, direct to withdraw the said approval and permission granted for



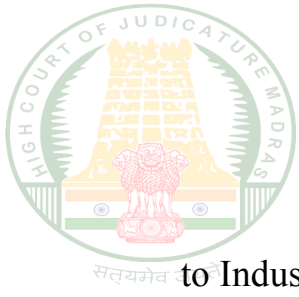
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such development project of residential and commercial complex in the said industrial land zone.

2. Learned counsel appearing for the petitioner submits that the petitioner is the proprietor of the Sri Bhagyalakshmi Wood Industries, who was permitted to operate in the year 2002. The present premises of the industry is owned by the petitioner, wherein a saw mill was also constructed. The industrial plot in T.S.No. A-5: 4/8A was purchased by the Respondents 7 to 13, who have been granted permission for construction of houses or flats, which is contended by the petitioner that it may cause his land to be shifted or closed under the pretext of pollution. Aggrieved that the petitioner and his employees would face hardship, the petitioner files this present Writ petitioner praying not to allow the residential plan to be executed in the industrial/commercial zone.

3.Learned Additional Government Pleader appearing for the respondents 1 to 6 submitted that the subject property is exclusively related



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to Industrial Purpose and not for any residential purpose.

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4.The additional counter affidavit filed by the learned Additional Government Pleader for respondents dated NIL April 2025 contends in paragraph Nos.7, 9 & 10 as extracted hereunder:

7. The Committee heard the public who filed objections against the draft Comprehensive Development Plan 2041 for Yanam on 13-02-2024 and 14-02-2024 and also inspected the related sites. The Directorate of Industries and Commerce has also requested to retain the same land usage in respect of the subject matter land. Thereafter the Committee submitted the report to the Yanam Planning Authority. As per the Report of the above Committee, the land use of the Petitioner and the Respondents 7 to 9 have been retained as industrial and no land use change



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have been proposed.

9. Further. I submit that with regard to the sale of the properties in the industrial area. I submit to inform that this issue does not come under the purview of Yanam Planning Authority. However, this Authority is not issuing any building approval other than industrial in the subject matter land.

10. I submit that with regard to the Comprehensive Development Plan and change of land use etc, the above report as informed in Para No.7 above and the Land Use maps have since been submitted to the Government for issue of necessary approval of the Government for issue of Final Notification as stipulated under Section 32 of the Town and Country Planning Act, 1969. The issue of approval from the Government is awaited and the



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*Final Notification of the Comprehensive Development
Plan is yet to be issued."*

5.Heard the learned counsel on both sides and perused the materials
available on record.

6.In view of the above submissions, this writ petition stands disposed
of. No costs. Consequently, connected miscellaneous petition is closed.

08.04.2025

vsn

Index : Yes / No

Speaking / Non-Speaking Order



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