



W.P.No.33245 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 28.04.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.33245 of 2024

V.Pajanissamy .. Petitioner

-VS-

1. Union of India
rep.by the Chief Secretary
Government of Puducherry
Puducherry
2. The Director
Local Administration Department
Puducherry
3. The Member Secretary
Puducherry Planning Authority
Jawahar Nagar, Oulgaret
Puducherry 605 005
4. The Superintending Engineer
Public Works Department
Irrigation Division
Puducherry 605 001



W.P.No.33245 of 2024

WEB COPY

5. The Commissioner
Oulgaret Municipality
Jawahar Nagar, Oulgaret
Puducherry 605 005

6. The Superintending Engineer
Electricity Department
Government of Puducherry
Puducherry

7. The Executive Engineer
Public Health Division
Public Works Department
Government of Puducherry
Puducherry

8. The Sub Registrar
Oulgaret, Puducherry 605 005

9. P.V.A.Selvam

10.S.Rajeswari

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the permission in Form-2 bearing No.PPA/1160/1331/Z(4)/1996 dated 30.10.1996 and the Approved Building plan issued by the 3rd Respondent-PPA to the 10th respondent and quash the same and consequently, direct the Respondents 3 to 7 to implement the Demolition Notice bearing File No.5989/PPA/Z(SB/S)/PETITION/2021/7263 dated 24.11.2021 issued by the 3rd Respondent-PPA, disconnect the electricity



W.P.No.33245 of 2024

and water connections given to the illegal and unauthorized three storied building constructed by the Respondents 9 and 10 in the park provided in the Approved layout bearing No.PPA.348/75 dated 18.01.1976 in direct violation of the norms prescribed in the Pondicherry Town and Country Planning Act 1969 and the Pondicherry Building Bye- laws and Zoning Regulations 1972, demolish the said illegal and unauthorized three storied building, evict them and restore the said park for the use of the people living in the Approved Layout within the time that may be fixed by this Honble Court.

For Petitioner :: Mr.T.P.Manoharan
Senior Counsel for Mr.T.M.Naveen

For Respondents :: Mr.R.Sreedhar
Additional Government Pleader
(Puducherry) for R1 to R8
Mr.M.N.Kathir for R9 & R10

ORDER

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

The writ petition has been instituted to implement the enforcement actions initiated by the authorities to demolish the unauthorized constructions.



W.P.No.33245 of 2024

2. The learned Senior Counsel appearing on behalf of the petitioner

would submit that demolition notice was issued as early as on 24.11.2021.

However, the authorities have not implemented the enforcement action for several years, which resulted in institution of the present writ proceedings.

3. The learned Additional Government Pleader appearing on behalf of the official respondents would submit that actions are initiated. The status report filed by the third respondent/Puducherry Planning Authority reveals that further notices are issued to the encroachers for vacating the premises. The learned Additional Government Pleader further states that all further enforcement actions will be continued without any lapse of time. Paragraphs 5 & 6 of the status report read as under:-

“5. I further submit that the O.S.No.1869/2021 filed before I Additional District Munsif at Puducherry was disposed of as uncontested withdrawn on 14.02.2025. Subsequently, notices have been served to the tenants of the building on 25.04.2025, directing to vacate the building/premises within a week time for carrying out the demolition. Further, a demolition order has been passed by the 3rd respondent vide



WEB COPY



W.P.No.33245 of 2024

No.5989/PPA/Z(SB/S)/2024-25/1100 dated 25.04.2025, directing the 10th respondent to restore the building as per approved plan of this Authority within 15 days, failing which demolition will be carried out by this Authority.

6. In view of the above, it is apprised that further course of action will be initiated in accordance with the provisions of the Town and Country Planning Act, 1969 and as per clause 20 of the Puducherry Building Bye law and Zoning Regulation, 2012.”

4. In view of the above, the private respondents are at liberty to submit documents/explanation, if any, to the authorities for consideration. The enforcement actions already commenced must be continued by following the procedures and all unauthorized constructions/deviations are to be demolished. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order. The official respondents are permitted to seek the assistance of the police, if required, for execution of the enforcement actions. The jurisdictional police shall provide adequate protection enabling the public authorities to implement the lawful orders. With the above direction, the writ petition



W.P.No.33245 of 2024

stands disposed of. Consequently, W.M.P.Nos.36040, 36041 & 36044 of

2024 are closed. No costs.

Post the matter after eight weeks 'for reporting compliance'.

Index : yes

Neutral citation : yes/no

(S.M.S.,J.) (K.R.S.,J.)

28.04.2025

SS

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W.P.No.33245 of 2024

WEB COPY

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W.P.No.33245 of 2024

S.M.SUBRAMANIAM,J.

AND

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W.P.No.33245 of 2024

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